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ACTS  
OF THE  
GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND

1942

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Statutes  
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Newfoundland Statutes  
Statutes of Newfoundland



# ACTS OF THE HONOURABLE COMMISSION OF GOVERNMENT OF NEWFOUNDLAND

1942.

534005  
21.2.52

PASSED IN THE SIXTH YEAR OF THE REIGN OF HIS  
MAJESTY KING GEORGE VI.

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His Excellency Vice-Admiral Sir Humphrey Thomas Waiwyn, Knight Commander of the Most Exalted Order of the Star of India, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

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ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.  
1942



# INDEX

Act. No.	Page
1. Newfoundland Industrial Development Board Act .....	1
2. Promulgation and Construction of Statutes (Amendment) Act .....	6
3. Income Tax (Amendment) Act .....	7
4. The Standard Time (Newfoundland) Extension Act .....	14
5. The War Grants Act .....	15
6. Customs and Excise (Amendment) Act .....	16
7. Jurisdiction Magistrates (Amdt.) Act .....	22
8. Banks and Banking Act .....	24
9. Nuisances and Municipal Regulations Act .....	25
10. Exportation of Salt Fish (Permits) Act .....	26
11. Alcoholic Liquors (Amendment) Act .....	38
12. Personal Injuries (Emergency Provisions) Act .....	45
13. Summary Jurisdiction (Amdt.) Act 1930 .....	51
14. The Savings Certificates Acts 1940-42 .....	54
15. War Pensions (Amendment) Act .....	55
16. The Highway Traffic (Identification Plates) Act .....	56
17. The Shipbuilding (Bounties) Acts 1938-1942 .....	59
18. Militia (Amendment) Act .....	61
19. The American Bases (Supplementary Leases) Act .....	62
20. Town of Windsor (Temporary Management) Act .....	82
21. Old Age Pensions (Amendment) Act .....	83
22. The St. John's Shops Act .....	84
23. Crown Lands (Amendment) Act .....	96
24. Public Service (Supplementary Supply) Act .....	101
25. Public Service Act .....	105
26. The Salt Fish Levy Act .....	111
27. Civil Service (Amendment) Act .....	114
28. Exploits Valley (Closing Hours) Shop (Amendment) Act .....	115
29. Promulgation and Construction of Statutes (Amendment) Act .....	116
30. Revenue (Amendment) Act .....	117
31. The Harbour Grace Water Company Act, 1863-1942 .....	119
32. School Attendance Act .....	135
33. The SealSkin and Fishery Products Levy Act .....	143
34. Shops (Amendment) Act .....	145
35. Bowater's Conversion Loan Guarantee Act .....	151
36. The Conception Bay Passengers and Mail Contract Acts, 1941-1942 .....	160
37. The Town of Windsor Act, 1942 .....	161
38. The Town of Corner Brook West Act, 1942 .....	185
39. St. John's Municipal (Amendment) Act, 1921 .....	215
40. The Loan Act 1942 .....	222
41. St. John's Shops (Amdt.) Act 1942 .....	224
42. The Seeds Act, 1942 .....	225
43. Of Weights and Measures and the Inspection of Lumber Act .....	240
44. Health and Public Welfare (Amendment) Act, 1931 .....	243
45. Bowater's Conversion Loan Guarantee Amendment Act, 1942 .....	244
46. Excess Profits Tax (Amendment) Act, 1941 .....	245



## NEWFOUNDLAND



### AN ACT TO INCORPORATE THE NEWFOUNDLAND INDUSTRIAL DEVELOPMENT BOARD

[20th January, 1942]

#### SECTION

- 1.—Establishment and constitution of Newfoundland Industrial Development Board.
- 2.—Objects of the Board.
- 3.—Board prohibited from engaging in trade and making grants, etc.
- 4.—Membership of first Board.
- 5.—Term of office.
- 6.—Appointments to fill vacancies.

#### SECTION

- 7.—Office of the Board.
- 8.—Director of the Board.
- 9.—Employment of officers, etc.
- 10.—Members to serve without remuneration save for certain expenses.
- 11.—Bye-laws to regulate procedure.
- 12.—Accounts, audit and report.
- 13.—Revenue and accounts.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. There shall be a Board of not less than ten nor more than twenty-five persons to be appointed by the Governor and constituted in Commission and to be known as the Newfoundland Industrial Development Board (hereinafter in this Act referred to as "the Board"), which shall be a body corporate by that name with perpetual succession and a common seal and with power to sue and to be sued and to

purchase, take, hold and dispose of lands and other property for the purposes of and subject to this Act.

**Objects of  
the Board.**

2. The objects for which the Board is established are:

- (a) To provide a bureau of information on industrial, commercial and economic affairs which may provide data, or afford information on new methods of operations, industrial and commercial processes and products.
- (b) To assist and encourage industrial, commercial and economic development and the creation of new and the expansion of existing industries in Newfoundland.
- (c) To create and foster, through co-ordination of industrial and commercial agencies, an effective means of co-operation in economic progress.
- (d) To receive from any sources, examine into and prepare reports upon any proposals designed to create or assist in the industrial and commercial development of Newfoundland.
- (e) To assist in providing contact between local enterprises and research institutions with a view to encouraging industrial and commercial research.
- (f) To collect, consider and analyse such data, statistics, or other information relative to or concerned with any industries and from any interests dealing with the production, preservation, transportation, processing and domestic and foreign consumption of the products of existing local industries or of any other industries which may be capable of being established in Newfoundland.

(g) Generally to take such other steps as the Board think necessary and expedient for properly carrying out the foregoing objects.

**3.** The Board shall not engage in trade or carry on any Board enterprise for profit, nor devote any part of its funds to from making a grant, advance or loan to any trade or industry. engaging in trade and making grants, etc.

**4.**—(1) The Commissioner for Natural Resources shall be ex officio a member of the Board and he shall be the channel for all communications of the Board with the Commission of Government.

(2) In addition to the ex officio member the first Board shall consist of members not exceeding twenty-five in number who shall be appointed by the Governor in Commission and whose names shall be published in the Newfoundland Gazette.

**5.** The first Board shall hold office until the 31st day of December, A.D. 1946; and the new Board which shall be appointed thereafter shall hold office for five years from the 1st day of January, A.D. 1947, and so on every fifth year thereafter: Provided that a member may resign his office by notice in writing to the Governor in Commission and the Governor in Commission may at pleasure remove any member of the Board.

**6.** Any addition to the Board to bring the membership of the Board to the total number of twenty-five, may be made and any vacancy or vacancies in the Board caused by death or resignation, removal or otherwise may be filled by the Governor in Commission upon recommendation of the Board. Any new member added or appointed to fill a vacancy shall hold office for the remainder of the term of the then existing members. Members of the Board whose terms have expired may be reappointed. No

4 1942 Newfoundland Industrial Development No. 1  
Board Act

vacancy in the Board shall invalidate any of its proceedings authorized by a quorum at any meeting of the Board.

Office of the Board.

7. The Board shall have an office at which service of legal processes and notices may be effected, which shall be situated in the city of St. John's.

Director of the Board.

8.—(1) There shall be a Director of the Board whose appointment shall be made by the Board subject to the approval of the Governor in Commission and the said Director shall hold office on such terms and subject to such conditions as the Board may direct, and shall receive such salary to be paid out of the funds of the Board as the Board shall direct.

(2) The Director shall, subject to the direction of the Board, be its chief executive officer and be responsible generally for the conduct of the work of the Board and the management and supervision of its offices and employees.

Employment of officers, etc.

9. The Board may employ such technical officers, clerks, servants or agents and may engage the services of skilled or professional persons as it may deem desirable and upon such terms as it may deem proper.

Members to serve without remuneration save for certain expenses.

10. Members of the Board shall serve without remuneration: Provided however that if any member of the Board is instructed by resolution to proceed to any place outside St. John's for the purpose of performing there any work for the Board it shall be lawful for the Board to defray his actual and reasonable out of pocket expenses whilst out of St. John's, including travelling expenses.

Bye-laws to regulate procedure.

11. The Board may make such bye-laws, rules and regulations for its internal government as it may deem necessary and may alter and repeal the same from time to time, including but without restricting the generality of the foregoing the appointment of such officers and

committees as it may deem necessary in the management and conduct of its affairs and for prescribing their duties and terms of office and for the holding of meetings and for fixing the quorums for the transaction of business.

**12.** The Board shall keep full and complete books of Accounts, account which shall be subject to audit by the Comptroller <sup>audit and report.</sup> and Auditor General, and shall on or before the 30th day of September in each year make a report to the Commissioner for Natural Resources showing the work done during the year ended the 30th day of June preceding and such other data as may be of interest in connection with the work thereof. Accompanying and forming part of this annual report there shall be included a statement of its income and expenditure and a balance sheet of its assets and liabilities signed by the Director and a member of the Board, and certified by the Comptroller and Auditor General together with any report thereon which he may have made to the Board.

**13.**—(1) The revenues of the Board may consist of any Revenue and grant, gift, bequest or donation: Provided that the grant accounts to be made in any year by the Government of Newfoundland shall not exceed the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00).

(2) The income and property of the Board shall be applied solely for the purposes for which the Board is constituted under this Act and in accordance with any bye-laws which may be made by the Board.

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AN ACT FURTHER TO AMEND CHAPTER 1 OF THE  
CONSOLIDATED STATUTES (THIRD SERIES)  
ENTITLED "OF THE PROMULGATION AND  
CONSTRUCTION OF STATUTES".

[26th January, 1942]

SECTION 1.—Amtd. Sec. 7: words applying to public officers include successors, persons appointed to act and deputies.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

**Amdt. Sec. 7:** 1. Section 7 of Chapter 1 of the Consolidated Statutes  
words applying (Third Series) entitled "Of the Promulgation and Construction of Statutes" is hereby amended by striking out  
to public  
officers include  
successors,  
persons  
appointed to  
act and  
deputies.  
therefrom the following:

"Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office and his and their deputies."

and substituting therefor the following:

“Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office and every person appointed by the Governor-in-Commission to act for the time being as such public officer or functionary or in his place or stead and shall also include his and their deputies.”

AN ACT FURTHER TO AMEND THE INCOME TAX  
ACT, 1929

[30th January, 1942]

SECTION

1.—New Section 2A: Deduction of income tax paid elsewhere in British Empire or in foreign country.  
2.—New subsection (9) of Section 4: Fifteen per cent tax on non-residents in respect of dividends and interest from New-

SECTION

foundland debtors and income from Newfoundland estates and trusts.  
3.—New Section 8A: Ownership certificates, and 8B: Penalties.  
4.—Dates of coming into effect.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. The Income Tax Act, 1929, is hereby further amended by adding immediately after Section 2 thereof the following section:

2A. (1) A taxpayer shall be entitled to deduct from the tax that would otherwise be payable by him under this Act,

(a) the amount paid to Great Britain or any British Dominion or any of Great Britain's self-governing colonies or dependencies for income tax in respect of the income of the taxpayer derived from sources therein; and

(b) the amount paid to any foreign country for income tax in respect of the income of the taxpayer derived from sources therein, if such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Newfoundland.

- (2) Such deduction shall not exceed the same proportion of the tax otherwise payable under this Act as that which the taxpayer's net income from sources within such country bears to his entire net income from all sources, without taking into account the exemptions provided by paragraphs (i) and (j) of subsection (2) of Section 2 and paragraph (a) of subsection (1) of Section 4 of this Act.
- (3) Any such deduction shall be allowed only if the taxpayer furnishes evidence satisfactory to the Commissioner showing the amount of tax paid and the particulars of income derived from sources within the country to which the tax is paid.
- (4) No deduction shall be allowed in respect of the income tax payable to any country prior to the 1st day of January, one thousand nine hundred and forty-one.

**2. Section 4 of the said Act is hereby further amended by adding thereto the following subsections:**

**New subsection (9) of Section 4: Fifteen per cent tax on non-residents in respect of dividends and interest from Newfoundland debtors and income from Newfoundland estates and trusts.**

- (9) (a) In addition to any other tax imposed by this Act an income tax of fifteen per centum is hereby imposed on all persons who are non-residents of Newfoundland in respect of—
  - (i) all dividends received from Newfoundland debtors irrespective of the currency in which the payment is made, and
  - (ii) all interest received from or credited by Newfoundland debtors, if payable in Newfoundland and not elsewhere, except the interest from all bonds and obligations of

or guaranteed by the Newfoundland Government and the interest from all bonds of any municipal or local government authority in Newfoundland.

(iii) all interest received by a non-resident parent company from a Newfoundland subsidiary company irrespective of the currency in which the payment is made,

(iv) all income for any taxation period received from any Newfoundland estate or trust, except rents on landed property taxable under subsection (a) of Section 19 of this Act, which income shall be deemed to include all income accruing to the credit of non-resident beneficiaries whether received by them or not during such taxation period. The tax payable by virtue of this paragraph shall be deducted by the trustees from the amount paid or credited to such beneficiary at the time of paying or crediting and shall be remitted to the Assessor of Taxes.

(b) In the case of bearer coupons or warrants, whether representing interest or dividends, the taxes imposed by this subsection shall be collected by the encashing agent or debtor who shall withhold fifteen per centum of the obligation and remit the same to the Assessor of Taxes, provided that any encashing agent so withholding and remitting shall be entitled to recover one hundred per centum of the obligation from the debtor.

(c) In the case of interest or dividends in respect of fully registered shares, bonds, debentures,

mortgages or other like obligations, the taxes imposed by this subsection shall be collected by the debtor who shall withhold fifteen per centum of the interest or dividend on the obligation and remit the same to the Assessor of Taxes.

- (d) The exemptions provided by Section 7 of this Act shall not apply in the case of the taxes imposed by this section except the exemption provided by paragraph (g) of the said Section 7.
- (e) For the purposes of this subsection the Commissioner shall have full power to determine the persons who are deemed to be residents of Newfoundland, and in the case of a person who is resident abroad as well as in Newfoundland, what interest and dividends are taxable hereunder.
- (f) Whenever an agent of a non-resident person receives payment of any interest or dividends taxable under this subsection from which the tax has not been withheld, such agent shall withhold the tax from his principal and remit the same to the Assessor of Taxes.
- (g) Every agreement for payment of interest, dividends, estate or trust income, without allowing the deduction or withholding of the tax imposed by this subsection shall be void.
- (h) Where income taxable under this subsection is otherwise taxable under this Act then the taxpayer shall be entitled to deduct from the tax otherwise payable by him the amount of tax paid under this subsection in respect of such income.

- (10) (a) Any person who fails to collect or withhold any sum of money as required by subsection (9) of this section shall be liable for the amount which should have been collected or withheld together with interest at the rate of ten per centum per annum.
- (b) Any person who fails to remit any sum of money collected or withheld as required by subsection (9) of this section, or at such time as the Commissioner may in special cases prescribe, shall in addition to being liable for such sum of money so collected or withheld, be liable to a penalty of ten per centum per annum.
- (11) No action shall lie against any person for withholding or deducting any sum of money as required by subsection (9) of this section.
- (12) The receipt of the Commissioner for any sum of money collected, withheld or deducted by any person as required by subsection (9) of this section shall constitute a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt.

3. The said Act is hereby further amended by adding New  
immediately after Section 8 the following sections: Section 8A:  
Ownership  
certificates,  
and 8B:  
Penalties.

8A. (1) For the purpose of ensuring the due collection and payment of taxes imposed by this Act, before any bearer coupon or warrant representing either interest or dividends payable by any debtor, or cheque representing either interest or dividends payable by any debtor other than a Newfoundland debtor, is negotiated by or on behalf of a

resident of Newfoundland, there shall be completed by or on behalf of such resident an ownership certificate in the form prescribed by the Commissioner.

- (2) Such ownership certificate shall be delivered in such manner at such time and at such place as the Commissioner may prescribe. If not so delivered the person in default shall be liable to a penalty of not less than ten dollars for each day of default with a maximum penalty of fifty dollars.
- (3) The Commissioner may by regulation extend the operation of this subsection to bearer coupons or warrants negotiated by or on behalf of non-resident persons.

8B. A resident of Newfoundland who fails to issue and deliver an ownership certificate as required by Section 8A of this Act and any encashing agent or debtor who cashes a coupon or warrant or cheque for which an ownership certificate has not been completed as required by Section 8A of this Act shall be liable to a penalty of not less than five dollars for each offence.

Dates of  
coming into  
effect.

4.—(1) Section 2A of the said Act, as enacted by Section 1 of this Act shall apply in respect of income for the taxation period one thousand nine hundred and forty-one and fiscal periods ending therein and all subsequent periods.

(2) Save in respect of its application to bearer coupons or warrants subsection (9) of Section 4 of the said Act as enacted by Section 2 of this Act shall come into effect immediately and shall be applicable to payments due and payable on or after the passing of this Act.

(3) In respect of its application to bearer coupons or warrants subsection (9) of Section 4 of the said Act as enacted by Section 2 of this Act shall come into effect on the 1st day of April, one thousand nine hundred and forty-two, and shall be applicable to all payments due and payable on or after the said date.

(4) Section 8A of the said Act as enacted by Section 3 of this Act shall come into effect on the 1st day of April, one thousand nine hundred and forty-two and shall be applicable to coupons, warrants and cheques negotiated on and after that date.

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AN ACT TO EXTEND THE OPERATION OF THE  
STANDARD TIME (NEWFOUNDLAND) ACT, 1935.

[10th February, 1942]

## SECTION

1.—Reckoning of time during  
present emergency.  
2.—Application of Act No. 17

## SECTION

of 1935.  
3.—Duration of Act.  
4.—Short title.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:**Reckoning of  
time during  
present  
emergency.

**1.** Notwithstanding the provisions of the Standard Time (Newfoundland) Act, 1935, as from midnight on the first day of March, 1942, and for the period of the present emergency the hour of noon shall be fixed as two and one-half hours later than noon by mean solar time at Greenwich; and all other hours shall be reckoned accordingly.

Application  
of Act No. 17  
of 1935.

**2.** The preceding section of this Act shall have effect as though it were included in the Standard Time (Newfoundland) Act, 1935, and the provisions of that Act not inconsistent with the said section of this Act shall apply accordingly.

Duration of  
Act.

**3.** This Act shall cease to have effect at midnight on such day as His Excellency the Governor in Commission shall have declared that the emergency which gave rise to the passing of this Act no longer exists.

Short title.

**4.** This Act may be cited as The Standard Time (Newfoundland) Extension Act, 1942.

**AN ACT TO AUTHORIZE FREE GRANTS FOR WAR PURPOSES AND LOANS TO HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM FROM THE CONSOLIDATED REVENUE FUND**

[10th February, 1942]

**SECTION**

1.—Authority to issue grants or loans to United Kingdom Govt.

**SECTION**

2.—Date of coming into effect.  
3.—Short title.

**Be it enacted by the Governor, by and with the advice of** <sup>A.D. 1942.</sup> **the Commission of Government, as follows:**

**1.** The Governor in Commission is hereby authorized <sup>Authority to issue grants or loans to United Kingdom Govt.</sup> to transfer from time to time to His Majesty's Government in the United Kingdom, either as free grants to be used in whole or in part for war purposes or as interest free loans, the whole or any part of funds to the credit of the Consolidated Revenue Fund which **are** surplus to immediate requirements.

**2.** This Act shall be deemed to have come into effect on <sup>Date of coming into effect.</sup> the 1st day of June, 1941.

**3.** This Act may be cited as The War Grants Act, 1942. <sup>Short title.</sup>

AN ACT TO AMEND THE CUSTOMS AND EXCISE  
ACT, 1938.

[6th March, 1942]

SECTION 1.—Repeal and substitution Sec. 122 of Customs and Excise Act, 1938; prohibition of transfer etc., of goods imported or received free of duty or at reduced duty under special statutory provision and under the Revenue Acts; conditions of exemption when granted; penalties.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal and substitution  
Sec. 122 of  
Customs and  
Excise Act,  
1938;  
prohibition of  
transfer etc.,  
of goods  
imported or  
received free  
of duty or at  
reduced duty  
under special  
statutory  
provision and  
under the  
Revenue Acts;  
conditions of  
exemption  
when granted;  
penalties.

1. Section 122 of The Customs and Excise Act, 1938, is hereby repealed and the following substituted therefor:

122. (1) Whenever any goods shall have been imported either free of duty or at a lower duty than would otherwise be chargeable, under the provisions of any Act whereby the right so to import is granted in respect of goods for sale to a specified class of persons and at a specified place or institution, then—

(a) it shall be unlawful for the goods or any part thereof to be transferred whether by way of sale, gift, hire, loan or otherwise from any person having such right to import, save to a person of the specified class and at the specified place or institution, and

(b) it shall further be unlawful for the goods or any part thereof to be transferred whether by way of sale, gift, hire, loan or otherwise from any person of the specified

class who shall have received the same to any person not of the specified class.

(2) Whenever any goods shall have been imported either free of duty or at a lower duty than would otherwise be chargeable, under the provisions of any Act, other than the Revenue Act for the time being in force, whereby the right so to import is granted in respect of the personal belongings or household effects of a particular class of persons then, save as hereinafter provided, it shall be unlawful for the goods or any part thereof to be transferred whether by way of sale, gift, hire, loan or otherwise save to a person of the class having such right.

(3) Whenever any goods shall have been imported either free of duty or at a lower duty than would otherwise be chargeable—

(a) under the provisions of any Act whereby the right so to import is granted in respect of goods for a specified use or purpose which is other than sale; or

(b) under the provisions of the Revenue Act, 1939, or any other Act relating to the revenue as to goods imported for a specified use or purpose,

then, save as hereinafter provided, it shall be unlawful for the goods or any part thereof to be diverted to any use or purpose other than that for which the goods were imported.

(4) (a) Whenever under the provisions of any Act the right is granted to any class of persons to receive goods from a factory or

establishment which by the provisions of the Revenue Act for the time being in force, is deemed to be a bonded warehouse, free of duties of excise or at a lower duty of excise than would otherwise be chargeable, it shall be lawful for the Secretary for Customs to issue a permit to any person so entitled for the delivery to him from any such factory or establishment of goods to be specified in the permit, free of duties of excise or at a lower duty than would otherwise be chargeable as may be provided therein, and upon receipt of such permit it shall be lawful for the operator of the factory or establishment to deliver to the person named in the permit the goods specified therein in accordance with the terms thereof.

(b) Whenever any goods shall have been delivered under the provisions of paragraph (a) of this subsection and the permit for delivery of such goods has been issued by virtue of the provisions of any Act whereby the right to receive such goods free of duty or subject to a lower duty as aforesaid is granted in respect of goods for sale to a specified class of persons or at a specified place, then—

(i) it shall be unlawful for the goods or any part thereof to be transferred whether by way of sale, gift, hire, loan or otherwise from the person to whom the goods have been delivered under such permit save to a person of the specified class and at the specified place, and

(ii) it shall further be unlawful for the goods or any part thereof to be transferred whether by way of sale, gift, hire, loan or otherwise from any person of the specified class who shall have received the same to any person not of the specified class.

(c) Whenever any goods shall have been delivered under the provisions of paragraph (a) of this subsection and the permit for delivery of such goods has been issued by virtue of the provisions of any Act whereby the right to receive such goods without payment of duty or subject to a lower duty as aforesaid, is granted in respect of goods for a specified use or purpose which is other than sale, then, save as herein-after provided, it shall be unlawful for the goods or any part thereof to be diverted to any use or purpose other than that for which the goods were delivered under such permit.

(5) Notwithstanding the foregoing provisions of this section it shall be lawful, except in respect of goods intended for sale to a specified class of persons and at a specified place as referred to in subsection (1) and in paragraph (b) of subsection (4) hereof, for any person who has imported goods free of duty or subject to a lower duty than would otherwise be chargeable and for any person to whom goods have been delivered under a permit issued under paragraph (a) of subsection (4) hereof to transfer such goods to any person or to divert the same to any use if, prior to such diversion or transfer, he shall have made application in writing to the Board of Customs, and the Board shall, subject to such regulations

as it may prescribe, have given permission in writing so to deal with the goods and he shall have paid such duty, if any, as shall be necessary in addition to any duty already paid thereon to make up the amount of the full duty, if any, which if the goods had been imported or had been delivered under such permit, at the time of such diversion or transfer, would be payable by virtue of any Act relating to the revenue then in force and on the basis of the value for duty of such goods at that time or in the case of goods liable to a specific duty at the rate then in force.

(6) (a) If any goods are transferred or diverted to any use or purpose in contravention of this section they shall be forfeited.

(b) Every person who shall have transferred or diverted any goods in contravention of this section shall be liable to a penalty not exceeding four hundred dollars or treble the value of such goods, whichever is the greater, and in default of payment to imprisonment not exceeding one year or to both such fine and imprisonment.

(c) Every person into whose hands or possession any goods subject to forfeiture under this section shall come shall be liable to a penalty not exceeding four hundred dollars or treble the value of such goods, whichever is the greater, and in default of payment to imprisonment not exceeding one year or to both such fine and imprisonment: Provided that it shall be a defence for such person to prove that he could not know and had no reason to be-

lieve that the goods in respect of which he is charged were goods subject to forfeiture under this section.

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AN ACT TO AMEND CHAPTER 96 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE JURISDICTION, POWER AND PROCEDURE OF STIPENDIARY MAGISTRATES AND JUSTICES OF THE PEACE AS TO CERTAIN OFFENCES".

[26 March, 1942]

**SECTION 1.**—Repeal Sec. 1; punishment for malicious damage to property where amount does not exceed \$200.

**A.D. 1942.**      Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Repeal Sec. 1;      1. Section 1 of Chapter 96 of the Consolidated Statutes punishment for of Newfoundland (Third Series) entitled "Of the Jurisdiction, Power and Procedure of Stipendiary Magistrates where amount and Justices of the Peace as to Certain Offences" is here-  
does not exceed \$200.      by repealed and the following substituted therefor:

1. (1) If any person wilfully or maliciously commits any damage to any real or personal property whatsoever, either of a public or private nature, and the amount of the damage does not, in the opinion of the Court, exceed two hundred dollars, he shall be liable on summary conviction—

(a) if the amount of the damage, in the opinion of the Court, exceeds twenty-five dollars, to imprisonment for a term not exceeding twelve months or to a fine not exceeding four hundred dollars and in default of payment of the said fine to imprisonment for a period not exceeding twelve months; and

(b) if the amount of the damage is, in the opinion of the Court, twenty-five dollars

or less, to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred dollars and in default of payment of the said fine to imprisonment for a period not exceeding four months;

and in either case to the payment of such further amount as appears to the Court reasonable compensation for the damage so committed, which last mentioned amount shall be paid to the party aggrieved: Provided that this provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of.

- (2) Nothing in subsection (1) of this section shall be construed as preventing a Court of Summary Jurisdiction from committing a person for trial in the Supreme Court for an offence against Section 51 of the Malicious Damage Act, 1861, as amended by Section 14 (2) of the Criminal Justice Administration Act, 1914, if the Court is of the opinion that the damage, injury or spoil exceeds twenty-five dollars, notwithstanding that the offence is an offence which the Court has power to deal with summarily under this section.

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AN ACT FURTHER TO AMEND CHAPTER 209 OF  
THE CONSOLIDATED STATUTES (THIRD SER-  
IES), ENTITLED "OF BANKS AND BANKING".

[27 March, 1942]

SECTION 1.—Repeal and substitution See. 2; assignment of shares.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:—**

Repeal and  
substitution  
See. 2; assign-  
ment of shares.

**1.** Section 2 of Chapter 209 of the Consolidated Statutes (Third Series) entitled "Of Banks and Banking" is here-  
by repealed and the following substituted therefor:

- 2.** The shares in the capital stock of any chartered or incorporated bank in Newfoundland shall be assignable and transferable, subject and according to such regulations as may be established in that behalf by the bye-laws of such bank; but no assignment or transfer shall be valid or effectual until entered and registered by the bank in a book to be kept for that purpose, nor until the party making the same shall, if required by the bank so to do, have first discharged all his then existing liabilities to the bank, whether direct or collateral, and whether the same shall be payable then or at any future time.

AN ACT TO AMEND CHAPTER 51 OF THE CONSOLIDATED STATUTES OF NEWFOUNDLAND (THIRD SERIES) ENTITLED "OF NUISANCES AND MUNICIPAL REGULATIONS".

[27 March, 1942]

SECTION 1.—Amdt. Sec. 10; penalty for loose and disorderly persons.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. Section 10 of Chapter 51 of the Consolidated Statutes of Newfoundland (Third Series) entitled "Of Nuisances and Municipal Regulations" is hereby amended by striking out the words "twenty dollars" and substituting therefor the words "one hundred dollars and in default of payment of the said fine to imprisonment for a period not exceeding two months".

Amdt. Sec. 10;  
penalty for  
loose and dis-  
orderly persons.

**AN ACT RESPECTING PERMITS FOR THE  
EXPORTATION OF SALT FISH**

[1st April, 1942]

**SECTION**

- 1.—Interpretation.
- 2.—Prohibition of export of certain fish save under permit.
- 3.—Application to be made to Board; power to issue or refuse permits.
- 4.—Application may be made by exporter or agent.
- 5.—Form of application and declaration.
- 6.—Who may take declarations.
- 7.—Agents may be required to make declarations.
- 8.—Principal to make full disclosure to agent.
- 9.—Penalty for false declaration.
- 10.—Penalty for failure to make disclosure to and for giving false information to agent.
- 11.—Board may require bond.
- 12.—Who may execute bond.

**SECTION**

- 13.—Respecting actions upon bonds.
- 14.—Persons may be required to act personally and not by agent.
- 15.—Particulars to be stated in permits.
- 16.—Permits to be delivered to Customs with export entries.
- 17.—Penalty for exporting save under permit.
- 18.—Permits to be additional to licenses.
- 19.—Document of carriage not to be issued to any person other than person named in permit; penalty.
- 20.—Respecting certain offences against the Act; penalty.
- 21.—Regulations.
- 22.—Repeal.
- 23.—Short title. Schedule.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Interpretation.

1. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

- (a) “Association” means the Salt Codfish Association.
- (b) “the Board” means the Newfoundland Fisheries Board.
- (c) “person” includes incorporated body, partnership and unincorporated association.

(d) "fish to which this Act applies" means salted fish of any of the following kinds, namely, codfish, haddock, hake, ling, pollock and cusk.

**2.** No person may export from Newfoundland any Prohibition of quantity exceeding two quintals of any fish to which this export of Act applies unless there has been issued to him under this certain fish save under permit. Act a permit to export such quantity of such fish.

**3.**—(1) An application for a permit in respect of each Application to shipment to be exported shall be made to the Board in be made to the form and manner hereinafter provided and the Board Board; power to issue or may issue such permit or may refuse to issue the same. refuse permits.

(2) (a) An applicant aggrieved by the decision of the Board under subsection (1) hereof may appeal therefrom to a Committee to be known as "the Permit Committee" which shall consist of two persons appointed by the Association and two persons appointed by the Board of whom the Chairman of the Board shall be one.

(b) If any person appointed to the Permit Committee under the provisions of this section by the Association or the Board shall be unable to attend upon the hearing of any appeal by reason of illness or absence from St. John's, the Association or the Board, as the case may be, shall, for the purpose of such appeal, appoint another person to the said Committee in the place of the person ill or absent.

(c) The decision of the majority of the Permit Committee as to whether a permit should or should not issue shall be final and binding on the applicant and the Board.

(d) Should the Permit Committee be unable to reach a decision in accordance with the

provisions of paragraph (c) hereof, it shall by a majority appoint an umpire, and, if the said Committee shall fail to appoint an umpire, the Supreme Court or a Judge thereof may, upon the application of either the Association or the Board made in accordance with the provisions of that part of the Judicature Act dealing with arbitration but without prior notice to the other party, appoint an umpire and the decision of the umpire appointed under the provisions of this subsection as to whether a permit should or should not issue shall be final and binding on the applicant and the Board.

(e) It shall be the duty of the Permit Committee and any umpire appointed under the provisions of this subsection in arriving at their decision to give due weight to the public interest having regard to the provisions of the Newfoundland Fisheries Board Acts, 1936-38, and all rules and regulations made thereunder and the main objects sought to be attained by this Act.

**Application  
may be made  
by exporter or  
agent.**

**4.**—(1) The person desiring to export any fish to which this Act applies may apply for a permit either personally or by an agent thereunto authorized.

(2) If application is made by an agent on behalf of the person desiring to export the fish, the Board may require such agent to establish to its satisfaction his authority to make such application.

(3) A director or equivalent officer or the secretary of any incorporated body or a partner or member of any partnership or unincorporated association may apply in the name of such body, partnership or association or

may appoint any agent to apply in the name and on behalf of such body, partnership or association.

**5.—(1)** Every application for a permit under this Act ~~Form of application and~~ shall be in writing in such form as the Board may ~~from time to time~~ prescribe and shall contain the following particulars:

- (a) the quantity, quality and kind of the fish to be shipped;
- (b) the price and terms of sale, including the time, place and manner of payment and the commissions and discounts payable;
- (c) the name of the applicant for the permit;
- (d) the name and place of abode of the person, firm or company to whom exportation is being made;
- (e) the date on which shipment is proposed to be made;
- (f) the name of the ship or other means of carriage by which exportation is to be effected;
- (g) the name of the port from which shipment is to be made;
- (h) the names of all agents by or through whom ~~sale~~ has been effected including the name of any agent for the purchaser;
- (i) the name of the person, firm or company to be notified if the fish is being shipped to order;
- (j) whether shipment is being made by the applicant on his own behalf or on behalf of another person, giving the name and address of such person;

- (k) whether the country to which the fish is being shipped is the ultimate destination of the said fish, and if not, what is the country of ultimate destination;
- (l) the names of all persons, firms or companies having any interest in the proceeds of the sale of the fish in respect of which the application for the permit is made;
- (m) whether any rebate or payment is to be made by the seller or the exporter to the buyer or his agent and the amount of such rebate or payment, if any, and the names of the person or persons to whom it is to be made;
- (n) such other information respecting the purchase, sale and destination of the fish as the Board may by regulation from time to time require.

(2) Every such application shall be supported by a declaration.

(3) When such application is made personally by the person desiring to export the fish the declaration shall be in the following form:

I, (name of applicant) of (place of residence), (occupation), hereby make application to the Newfoundland Fisheries Board for a permit to export the quantity of fish hereinafter mentioned and do solemnly declare that the statements herein contained are correct and true.

(Here set out all information required).

And I make this declaration conscientiously believing it to be true.

Chairman  
Member  
Authorized  
Official } of the Newfoundland  
Fisheries Board.

Authorized person

(4) When such application is being made by any person by his agent or director or equivalent officer or secretary or partner or member the declaration shall be in the form set forth in subsection (3) of this section with such variations as the Board may deem necessary and shall be signed by such agent or director or equivalent officer or secretary or partner or member with his own name.

6. The Chairman and the members of the Board and ~~any official of the Board thereunto authorized by resolution of the Board and any other person similarly authorized shall have full authority to receive declarations required under this Act.~~ <sup>Who may take declarations.</sup>

7. If a contract of sale or for consignment of fish has been made by the applicant through his agent or an agent of the purchaser, the Board may require that any or all such agents make declarations similar in form to that required to be made by the applicant for a permit to export but nevertheless with such variations as may be necessary to meet the circumstances of the case.

8. Every person who makes application by his agent Principal to or director or equivalent officer or secretary or partner make full disclosure to or member for a permit under this Act, shall prior to agent.

the making of such application disclose or cause to be disclosed to such agent or director or equivalent officer or secretary or partner or member all information and matters required to be set forth in the application for such permit.

**Penalty for  
false  
declaration.**

**9.** Any person, who makes a declaration that the statements contained in any application for a permit under this Act are correct and true, shall, if the application contains any statement false to the knowledge of the declarant or if any matter, which is required by this Act or any regulation made under this Act to be inserted in such application and of which the declarant has knowledge, is omitted, be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment to imprisonment for a period not exceeding one year.

**Penalty for  
failure to make  
disclosure to  
and for giving  
false informa-  
tion to agent.**

**10.** If any person who makes application by his agent or director or equivalent officer or secretary or partner or member for a permit under this Act fails to comply with the provisions of Section 8 of this Act or gives to such agent or director or equivalent officer or secretary or partner or member information false to the knowledge of the person giving such information for use in making such application, he shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment to imprisonment for a period not exceeding one year.

**Board may  
require bond.**

**11.**—(1) The Board by and with the consent of the Permit Committee may require any applicant for a permit under this Act to furnish a bond to the use of His Majesty with such sureties as the Board shall in its discretion require or without sureties, if the Board see fit, in a sum not exceeding the value of the fish in the country for which it is destined condition-

ed upon the delivery of the said fish in the country named in the application as the country of ultimate destination. Any such bond shall be in the form or substantially in the form set forth in the Schedule hereto.

(2) If a contract of sale or for consignment of fish has been made by the applicant through his agent or an agent of the purchaser, the Board by and with the consent of the Permit Committee may require that any or all such agents join with the applicant in furnishing any bond required and any such agents, if so required by the Board, shall execute the said bond with the applicant as principals or sureties and jointly or severally or otherwise as the Board may require.

**12.** Any bond required by the Board under this Act <sup>Who may execute bond.</sup> may be executed in the name and on behalf of any person by an agent of such person thereunto specially authorized in writing or by a director or equivalent officer or the secretary or a partner or member of a person who is an incorporated body or a partnership or an unincorporated association and such execution shall bind any such person anything in the regulations, partnership agreement or constitution of any person being such a body, partnership or association notwithstanding.

**13.** Any action taken upon any such bond shall be <sup>Respecting actions upon bonds.</sup> taken in the Supreme Court of Newfoundland in the name of the Board and in every such action the onus shall rest on the defendant to prove that delivery was made to the country named in the application as the country of ultimate destination.

**14.** The Board may in respect of any specific application or any class of application or all applications by order require that applications, declarations and bonds under this Act, which may ordinarily be made and executed by an agent, shall be made and executed by the applicant in person. <sup>Persons may be required to act personally and not by agent.</sup>

**Particulars to be stated in permits.** **15.** Every permit to export fish issued under this Act shall specify the quantity and description of the fish which may be exported, the person by whom the fish may be exported and the country of ultimate destination thereof.

**Permits to be delivered to Customs with export entries.** **16.** Any permit to export fish issued hereunder shall be produced and lodged by the exporter with the proper officer of Customs together with the export entry prescribed by the Customs and Excise Act, 1938.

**Penalty for exporting save under permit.** **17.** Any fish to which this Act applies and for which no permit to export has been issued under this Act, exported from Newfoundland or brought to any quay or place in Newfoundland to be exported therefrom, shall be deemed to be goods the export of which is prohibited, and the provisions of the Customs and Excise Act, 1938, and Acts in amendment thereof, and of any regulations made thereunder with reference to export of prohibited goods, shall apply to the same.

**Permits to be additional to licensess.** **18.** Permits to export issued under this Act shall be required in addition to any other licences otherwise required by law.

**Document of carriage not to be issued to any person other than person named in permit; penalty.** **19.** Any person, firm or company which shall, in respect of fish to be carried out of Newfoundland, issue a Bill of Lading or other document of carriage in the name of any person as shipper other than the person specified by the permit as the person by whom the fish may be exported, shall be guilty of an offence against this Act and shall on summary conviction be liable to a penalty of two dollars per quintal of the shipment in respect of which the offence was committed.

**Respecting certain offences against the Act; penalty.** **20.** If any person shall  
(a) obtain from the Board a permit in respect of any shipment of fish belonging to another person,

without disclosing to the Board the name of the owner, or

- (b) without the consent in writing of the Board tranship or divert or be a party to the transhipment or diversion of any fish from the country of ultimate destination specified by the permit to any other country as destination either before or after the fish reaches the country of ultimate destination specified by the permit, or
- (c) without the consent in writing of the Board, give to any purchaser or other person (except the seller) any rebate out of the selling price or any other payment of any kind in respect of any fish to which this Act applies, exported or intended to be exported from Newfoundland,

he shall be guilty of an offence against this Act and shall be liable on summary conviction to a penalty of two dollars per quintal of the shipment in respect of which the offence is committed.

**21.** All regulations made by the Board under this ~~Regulations~~ Act shall be approved by the Governor in Commission and shall become effective as from the date of publication in the Newfoundland Gazette or such later date as may by such Regulations be fixed.

**22.** The Exportation of Codfish (Permits) Act, 1938, is ~~Repeal~~ hereby repealed.

**23.** This Act may be cited as The Exportation of Salt ~~Short title~~ Fish (Permits) Act, 1942.

**Schedule.****SCHEDULE****Form of Bond**

BY THIS BOND I (We) .....  
Exporter of .....etc., and Surety of .....etc., are held and firmly bound unto our Sovereign Lord George the Sixth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, etc., in the sum of ..... Dollars (\$.....) to be paid to Our Sovereign Lord the King, for which payment, well and truly to be made, I (We) bind myself (ourselves, and each of us jointly and severally) firmly by these presents.

Sealed with my (our) seal (s).

Dated the ..... day of ..... , in the  
year of Our Lord, 194

WHEREAS the Newfoundland Fisheries Board has consented to accept this Bond as a security for the delivery of the fish in the country named in the application of ..... , dated the ..... day of ..... A.D. 194....., as the country of ultimate destination.

NOW THE CONDITION of the above written Bond or Obligation is such that if the above ..... do and shall deliver the fish to the country named in the application for permit as the country of ultimate destination AND if no part of the said fish shall without the consent in writing of the Newfoundland Fisheries Board be transhipped or diverted from the country of ultimate destination specified by the permit to any coun-

try as destination either before or after the fish reaches the country of ultimate destination specified by the permit AND if the above bounden applicant do and shall observe all the provisions of the law and of the regulations prescribed by The Exportation of Salt Fish (Permits) Act, 1942, then the above written Bond or Obligation shall be void and of no effect otherwise shall be and remain in full force and virtue.

**SIGNED, SEALED AND DELIVERED**

In the presence of

(Seal)

(Seal)

(Seal)

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**AN ACT FURTHER TO AMEND THE ALCOHOLIC LIQUORS ACT, 1933.**

[31 March, 1942]

**SECTION**

1.—Amdt. Sec. 2; definition  
“meal”.

**SECTION**

2.—Amdt. Sec. 24; sale of  
alcoholic liquors under per-  
mits issued by the Board.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Amdt. Sec.  
2;  
definition  
“meal”.

**1.** Section 2 of the Alcoholic Liquors Act, 1933, as heretofore amended by the Act No. 4 of 1935, is hereby further amended by striking out subsection (13) thereof and substituting the following:—

(13) “Meal”, means the consumption of food of kind and quantity sufficient for the bodily maintenance of the consumer, and costing not less than fifty cents for each consumer, excluding the cost of any alcoholic liquor.

Amdt. Sec.  
24;  
sale of  
alcoholic  
liquors under  
permits issued  
by the Board.

**2.** Section 24 of the Alcoholic Liquors Act, 1933, as heretofore amended by the Act No. 4 of 1935 and the Act No. 45 of 1938, is hereby repealed and the following substituted therefor:

**24.** (1) Permits may be granted by the Board to owners, operators or managers of:

(a) hotels, tourist hotels and clubs to keep and sell spirits, wine or beer in such hotels, tourist hotels, and clubs, to guests, travellers and members only, respectively;

(b) restaurants, to keep and sell wine or beer with meals in such restaurants;

- (c) taverns, to keep and sell beer in such taverns;
- (d) railways or steamship companies to keep and sell spirits, wine or beer with meals upon passenger trains and steamships.

(2) A permit may be granted by the Board to a person in charge of a banquet or dance to keep and sell spirits, wine or beer at such banquet or dance. No permit shall be necessary for a banquet or dance in a place in respect of which a permit has been granted under the preceding subsection.

(3) Permits shall not be granted in respect of hotels, restaurants or taverns situated in, or a banquet or dance to be held in any town, village or settlement, unless within one mile of an area in which a branch establishment of the Board has been set up under Section 14 of this Act; but a permit may be granted to a tourist hotel or a club in any part of Newfoundland: Provided that sales of alcoholic liquor shall not be made at a tourist hotel to any person ordinarily resident within three miles thereof, or in a club to any person not being a member of such club.

(4) Bottled spirits, wine or beer, kept by the holder of a permit for sale, shall, while in his possession, be kept in the bottle in which it was when purchased by him, bearing the label of the Board, and he shall not put therein any other alcoholic liquor.

(5) It shall be unlawful for any person to consume, and for any permit holder or person employed

by him to permit any person to consume, upon premises in respect of which a permit has been issued, any alcoholic liquor of a kind for the sale of which a permit has not been issued in respect of the said premises.

- (6) The holder of any permit shall not sell or allow to be sold or consumed any alcoholic liquor after 11 o'clock in the evening or before 9 o'clock in the morning on weekdays, nor on a Sunday, Christmas Day or Good Friday except between the hours of noon and 3 o'clock in the afternoon and between 5 o'clock and 8 o'clock in the evening; the sale of beer shall not, however, be permitted in any tavern on a Sunday, Christmas Day or Good Friday: Provided that the Board may grant an extension of the hours of sale of aleoholic liquors at a banquet or dance.
- (7) It shall be unlawful for any person to purchase beer in any tavern in respect of which a licence has been issued under this section, except for his personal consumption in the tavern and it shall be unlawful for any person employed in any tavern to sell any beer to any person save for his personal consumption in the tavern.
- (8) It shall be unlawful for any woman under thirty-five years of age to be employed in any tavern in respect of which a permit has been issued under this section unless she be the permit holder or the wife or daughter of the permit holder.
- (9) It shall be lawful for any police constable to enter at any time any premises in respect of

which a permit has been issued under this section to ensure compliance with the provisions of this Act and the conditions of the permit.

- (10) A permit to an owner, operator or manager of a hotel, tourist hotel, club, restaurant or tavern under this section shall not be granted or renewed unless the Board is satisfied, after report from the police, that the premises in respect of which the permit is sought are suitable for the purposes intended and conform to the standards, specifications and conditions which shall be prescribed by the Board and that the owner, operator or manager is likely to operate the premises in an orderly and efficient manner and in conformity with the provisions of this Act. A permit shall not be renewed unless the Board is satisfied, after consideration of a report from the police, that the licensed premises are clean and well-conducted and have not been frequented by drunken or disorderly persons.
- (11) If it shall appear to the Board at any time that the premises in respect of which a permit has been issued have not been maintained in accordance with the standards, specifications and conditions which shall be prescribed by the Board or that the premises are not kept clean or are not operated in an orderly manner and in conformity with the provisions of this Act and of the permit then the permit may be cancelled by the Board by notice in writing.
- (12) The Board may attach to any permit issued under this section any conditions which in its opinion shall be desirable to ensure that the premises are operated in an orderly and

efficient manner and in conformity with the provisions of this Act.

- (13) Notwithstanding the foregoing provisions of this section the Board may refuse to issue or renew any permit and may revoke any permit, without assigning any cause for such refusal or revocation.
- (14) The fee for a permit shall be fixed by the Board.
- (15) Every applicant for a permit for an hotel, tourist hotel, restaurant, club or tavern shall, before filing his application with the Board, give notice of his intention to apply for such permit, by advertisement in the form prescribed by the Board, once a week for four consecutive weeks preceding his application, in the Newfoundland Gazette, and in a newspaper published in the locality in which the premises is situate, or if no newspaper is published in that locality, then in the Newfoundland Gazette and a newspaper published in St. John's.
- (16) The application for a permit shall be in the form prescribed by the Board and shall be filed with the Board accompanied by the appropriate fee, and such application shall contain a description and plan of the premises in respect of which the applicant desires a permit, and shall furnish such other information as may be required by the Board.
- (17) A permit under this section in respect of a hotel or tourist hotel shall not be granted un-

less such hotel or tourist hotel contains, in addition to what is required for the owner, operator or manager thereof and his family and servants, sufficient bed-rooms, with suitable complement of bedding and furniture, public sitting rooms, and other conveniences reasonably suited to the requirements of the public likely to make use of the same.

- (18) The Board shall consider any objection or protests filed by any person with the Board to the issue or renewal of any permit.
- (19) Every permit shall be constantly and conspicuously exposed in that part of the premises specified in the permit where spirits, wine or beer may be kept, sold and consumed under such permit.
- (20) Unless sooner cancelled, every permit issued by the Board shall expire at midnight on the 31st day of December in the year in which the permit is issued. In case the permit holder applies for a new permit for the following year in respect of the same premises, he shall not unless so required by the Board be required to give notice by advertisement of his intention to apply for a new permit.
- (21) A permit shall not be transferable.
- (22) Every permit issued under this Act shall be subject to all conditions and restrictions imposed by this Act and the regulations made thereunder in force from time to time.
- (23) The Board may attach to the granting of a permit under this section such conditions and

restrictions as it may see fit regarding the receipt, storage and sale of alcoholic liquors and may require such books of account to be kept as it may from time to time prescribe, and any person authorized by the Board may inspect such premises and books and all other books and documents relating to the sale of alcoholic liquors kept by the person to whom the permit is granted.

- (24) (a) The holder of every permit to sell alcoholic liquors in a restaurant or tourist hotel situated within one mile of an area in which a branch establishment of the Board has been set up under Section 14 of this Act, shall on or before the first day of May, 1942, submit an application in writing to the Board for permission to continue to sell alcoholic liquors under such permit, subject to the provisions of this section, or to receive a permit to operate another class of licensed premises in lieu of that heretofore granted to him.
- (b) The Board shall consider every such application and may renew, revoke or modify any permit or may grant a new permit in lieu of that formerly in force, and shall make such adjustment (if any) in the fees for permits as shall be required.
- (c) Where a change in the class of the permit granted in respect of any premises occurs by reason of the operation of the preceding subsection, the Board may allow a period not exceeding three months for the alteration, or equipping of the premises, in order that the permit-holder may conform with the standards, specifications or conditions prescribed by the Board.

AN ACT TO MAKE PROVISION AS RESPECTS  
CERTAIN PERSONAL INJURIES SUSTAINED  
DURING THE PERIOD OF THE PRESENT  
EMERGENCY

[7th April, 1942]

SECTION

- 1.—Interpretation.
- 2.—Allowances and pensions in respect of certain war service injuries.
- 3.—Procedure as to schemes.
- 4.—Relief from liability to pay compensation or damages.

SECTION

- 5.—Reduction of sick pay by amount of allowances.
- 6.—Penalty for false statements.
- 7.—Assignments, &c., to be void.
- 8.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1942.  
of the Commission of Government, as follows:

1.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings here by respectively assigned to them, that is to say:

- (a) "Commissioner" means Commissioner for Public Health and Welfare;
- (b) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purpose of this Act and the scheme;
- (c) "civil defence volunteer", in relation to an injury, means a person certified by a responsible officer of a civil defence organisation to have been an enrolled member of that organisation at the time when the injury was sustained;
- (d) "home guard organisation" means any organisation forming part of the force raised under The

1942 Personal Injuries (Emergency Provisions) No. 12  
Act

Auxiliary Militia Act, 1940, which is declared by a scheme to be a home guard organisation for the purpose of this Act and the scheme;

- (e) "home guard volunteer" in relation to an injury means a person duly enrolled as a member of a home guard organisation in accordance with the Regulations respecting the Newfoundland Auxiliary Militia dated the fifth day of November, A.D. 1940, and certified by a responsible officer of such home guard organisation to have been an enrolled member of that organisation at the time when the injury was sustained;
- (f) "period of the present emergency" means the period beginning with the commencement of this Act and ending with such date as the Governor in Commission may by Order declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;
- (g) "scheme" means a scheme made under this Act;
- (h) "war service injury" in relation to a civil defence volunteer or a home guard volunteer means any physical injury which the Commissioner certifies to have been shown to his satisfaction to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation or the home guard organisation to which he belonged at the time when the injury was sustained, and not to have arisen out of and in the course of his employment in any other capacity.

(2) No certificate shall be given by the Commissioner in relation to the definition of "war service injury" in the foregoing subsection, unless he has been furnished

with a report about the injury in question by a responsible officer of the civil defence organisation or the home guard organisation of which the volunteer concerned was an enrolled member at the time when the injury was sustained and any such certificate may be revoked by the Commissioner at any time on new facts being brought to his notice.

2.—(1) The Commissioner may make a scheme, with the approval of the Commissioner for Finance and in accordance with the provisions of this Act, providing for the making of payments in respect of war service injuries sustained during the period of the present emergency by civil defence volunteers and by home guard volunteers.

(2) In respect of any such injury, a scheme may authorise the Commissioner, in such circumstances and subject to such conditions as may be specified in the scheme, to make the following payments to or in respect of the person injured, namely—

(a) payments by way of allowance (hereafter in this Act referred to as “injury allowances”), which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in the next following paragraph; and

(b) payments by way of pension or grant, which shall be payable only where the injury causes serious and prolonged disablement or death.

(3) A scheme may empower the Commissioner to make regulations for giving effect to the purposes of the scheme.

(4) Any decision of the Commissioner as to the making, refusal or amount, or as to the continuance or discon-

tinuance, of a payment under a scheme may be varied by a subsequent decision of the Commissioner, but save in so far as it is so varied shall be final and conclusive.

(5) All expenses incurred by the Commissioner in giving effect to a scheme shall be defrayed out of moneys provided by the Commission of Government.

**Procedure as to schemes.** 3.—(1) A scheme may provide that it shall come into operation, or shall be deemed to have come into operation, on such date as may be specified therein.

(2) A scheme may be amended or revoked by a subsequent scheme or by an order made by the Commissioner with the consent of the Commissioner for Finance.

(3) A scheme, or an order made under the last preceding subsection, shall not come into operation or be deemed to have come into operation until it has been approved by the Governor in Commission.

(4) Schemes and regulations made thereunder, and every order made under this Act, shall be published in the Newfoundland Gazette.

**Relief from liability to pay compensation or damages.** 4.—(1) In respect of a war service injury sustained during the period of the present emergency by a civil defence volunteer or a home guard volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this subsection—

(a) would be payable under Chapter 211 or Chapter 212 of the Consolidated Statutes (Third Series) or any amendments thereof; or

(b) would, whether by virtue of any enactment, by virtue of any contract, or at common law, be pay-

able in the case of a war service injury sustained by a civil defence volunteer or a home guard volunteer, by the employer of the volunteer, by any person who has any responsibility in connection with his duties as a volunteer or by any other civil defence volunteer or home guard volunteer;

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

- (a) an application for a payment under a scheme, or under any other enactment or instrument, has been made to the Commissioner in respect of the injury: and
- (b) the court before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme or that other enactment or instrument, as the case may be; and
- (c) the Commissioner certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and
- (d) the proceedings are commenced within one month from the date of the said certificate of the Commissioner.

Reduction of  
sick pay by  
amount of  
allowances.

5. Where an employee—

- (a) is in receipt of an injury allowance under a scheme during a period for which he is incapacitated for work; and
- (b) would, but for the provisions of this section, be entitled to receive a sum from his employer by way of wages or other emoluments in respect of that period;

the employer shall be under no obligation to pay to him in respect of that period an amount greater than the amount by which the said sum exceeds that allowance.

Penalty for  
false  
statements.

6. Any person who, for the purpose of obtaining a payment under a scheme, either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

Assignments,  
&c., to be void.

7. Any assignment of, or charge on, and any agreement to assign or charge, any payment awarded or to be awarded under a scheme shall be void, and, on the bankruptcy of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

Short title.

8. This Act may be cited as the Personal Injuries (Emergency Provisions) Act, 1942.

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AN ACT FURTHER TO AMEND THE SUMMARY JURISDICTION ACT, 1930.

[4th May, 1942]

SECTION

1. Amendment Part IV of Third Schedule.

(a) Deletion and substitution paragraph 1.

1. Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

(b) Deletion and substitution paragraph 2.

2. Inflicting bodily injury, with or without weapon.

SECTION

(c) Addition of paragraphs 19, 20, 21 and 22.

19. Housebreaking and committing larceny.

20. Housebreaking with intent to commit felony.

21. Being found by night armed or in possession of house-breaking implements.

22. Attempted suicide.

Be it enacted by the Governor, by and with the advice of A.D. 1942. the Commission of Government, as follows:

1. Part IV of the Third Schedule to the Summary Jurisdiction Act, 1930, as enacted by Section 3 of the Act Part IV of 22 George V, Chapter 16, is hereby amended as follows: dule.

(a) By striking out paragraph 1 thereof and substituting therefor the following:

1. Unlawfully and maliciously by any means whatsoever, wounding or causing grievous bodily harm to any person, or shooting at any person, or, by drawing a trigger, or in any other manner, attempting to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, contrary to Section 18 of the Offences against the Person Act, 1861.

Deletion and substitution paragraph 2.

Inflicting bodily injury, with or without weapon.

Addition of paragraphs 19, 20, 21 and 22.

Housebreaking and committing larceny.

Housebreaking with intent to commit felony.

(b) By striking out paragraph 2 thereof and substituting therefor the following:

2. Unlawfully and maliciously wounding or inflicting any grievous bodily harm upon any other person, either with or without any weapon or instrument, contrary to Section 20 of the Offences against the Person Act, 1861.

(c) By adding thereto the following paragraphs, numbered 19, 20, 21 and 22 respectively:

19. Breaking and entering any dwelling house or any building within the curtilage thereof and occupied therewith, or any school house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to His Majesty, or to any government department, or to any municipal or other public authority, and committing larceny therein; or breaking out of the same having committed larceny therein; contrary to Section 26 of the Larceny Act, 1916: Provided that the value of the whole of the property alleged to have been stolen does not in the opinion of the Court before whom the charge is brought exceed two hundred and fifty dollars.

20. Entering any dwelling house in the night with intent to commit any felony therein; or breaking and entering any dwelling house, place of divine worship or any building within the curtilage, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to His Majesty or to any Government Department, or to any municipal or

other public authority, with intent to commit any felony therein; contrary to Section 27 of the Larceny Act, 1916.

**21. Being found by night—**

Being found  
by night

armed or in

- (a) armed with any dangerous or offensive possession of weapon or instrument, with intent to house break-  
break or enter into any building and to ments.  
commit any felony therein; or
- (b) having in possession without lawful ex-  
cuse any key, picklock, crow, jack, bit or  
other implement of housebreaking; or
- (c) having the face blackened or disguised  
with intent to commit any felony; or
- (d) in any building with intent to commit any  
felony therein;

contrary to Section 28 of the Larceny Act,  
1916.

**22. Attempted suicide.**

Attempted  
suicide.

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AN ACT TO PROVIDE FOR REDEMPTION OF  
SAVINGS CERTIFICATES

[19th May, 1942]

SECTION

1.—Redemption value chargeable on Consolidated Revenue Fund.

2.—Redemption Fund.

SECTION

3.—Date of coming into operation.

4.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Redemption value chargeable on Consolidated Revenue Fund.

1. The redemption value of War Savings Certificates or Savings Certificates shall be chargeable upon and payable out of the Consolidated Revenue Fund.

Redemption Fund.

2. There shall be established a Redemption Fund under the control of the Commissioner for Finance, into which shall be paid from the Consolidated Revenue Fund such amounts as the Governor in Commission shall from time to time determine, and the said Fund shall be applied to the redemption of the said Certificates.

Date of coming into operation.

3. This Act shall be deemed to have had effect as from the date of enactment of the Act No. 30 of 1940 entitled "An Act to Amend The Savings Certificates Acts, 1940".

Short title.

4. This Act shall be read with The Savings Certificates Acts, 1940, and the said Act No. 30 of 1940, and may be cited together with the said Acts as The Savings Certificates Acts, 1940-42.

AN ACT TO REPEAL THE ACT 23 & 24 GEORGE V,  
CHAPTER 64, ENTITLED "AN ACT RESPECT-  
ING AN AMENDMENT TO THE WAR PENSIONS  
ACT, 1922".

[1st June, 1942]

SECTION

1.—Repeal of Act 23 & 24  
Geo. V, Cap. 64.

SECTION

2.—Time of coming into op-  
eration.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. The Act 23 & 24 George V, Chapter 64, entitled Repeal of Act  
"An Act respecting an amendment to the War Pensions <sup>23 & 24 Geo.</sup>  
Act, 1922" as amended by the Act No. 15 of 1935, is here  
by repealed.

2. This Act shall be deemed to have come into oper- Time of  
ation at midnight on the thirty-first day of December, <sup>coming into</sup>  
1941. <sup>operation.</sup>

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AN ACT TO MAKE TEMPORARY PROVISION IN RESPECT OF THE ISSUE OF IDENTIFICATION PLATES AND MARKS FOR MOTOR VEHICLES AND THE AFFIXING OF THE SAME THERETO.

[27th May, 1942]

SECTION

- 1.—Period of application of Act.
- 2.—Authority to issue one plate and sticker during licensing period 1942-43 and manner of affixing same.
- 3.—Authority to issue remaining plate during licensing

SECTION

- period 1943-44.
- 4.—Complete set to be carried during licensing period 1943-44.
- 5.—Issue of plates to dealers.
- 6.—Application of provisions of Highway Traffic Act and Regulations.
- 7.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Period of application of Act.

1. Notwithstanding the provisions of the Highway Traffic Act, 1941, and the Regulations thereunder, the provisions of this Act shall, during the period from the first day of May, 1942, to the thirty-first day of March, 1944, apply in respect of the issue of identification plates and marks for, and the affixing of the same to, motor vehicles.

Authority to issue one plate issued under the Highway Traffic Act, 1941, shall remain and sticker during licensing period 1942-43 and manner of affixing same.

2. In respect of every motor vehicle for which a licence in force until the thirty-first day of March, 1943, it shall be lawful for the Department of Public Works to issue one identification plate which shall be affixed to the rear of the vehicle and, in the case of every motor vehicle other than a motor bicycle, one mark consisting of a paper sticker bearing the word and figures "Registered 1942" which shall be affixed to the windshield of the vehicle in such manner that the said word and figures shall be legible from in front.

**3.** In respect of every motor vehicle for which a licence Authority to issued under the Highway Traffic Act, 1941, shall remain issue remaining plate during in force until the thirty-first day of March, 1944, it shall licensing period 1943-44. be lawful for the said Department to issue the remaining identification plate to complete the set, if a plate has been issued in respect of such vehicle under Section 2 hereof, and, if no such plate has been issued, the said Department shall issue a complete set.

**4.** There shall be affixed to every motor vehicle, for which a licence issued under the Highway Traffic Act, 1941, shall remain in force until the thirty-first day of March, 1944, front and rear identification plates, being one plate issued under Section 2 hereof and one plate issued under Section 3 hereof or the complete set issued under the said Section 3.

Complete set to be carried during licensing period 1943-44.

**5.** Upon issue of a dealer's licence under the Highway Traffic Act, 1941, the said Department shall issue to the licensee not more than five identification plates in respect of the period ending on the thirty-first day of March, 1943, and the remaining identification plates to complete the sets or complete sets not exceeding five sets in all in respect of the period ending on the thirty-first day of March, 1944, and the said plates or sets shall in the said periods be affixed to the vehicles, the property of the licensee, in accordance with the foregoing sections of this Act relating to motor vehicles.

Issue of plates to dealers.

**6.** Reference in the Highway Traffic Act, 1941, and the Regulations thereunder to identification plates shall during the period of application of this Act be construed as reference to the identification plates and marks authorized by this Act to be issued by the Department of Public Works and the provisions of the said Highway Traffic Act and Regulations, shall, unless inconsistent with the provisions of this Act, apply in respect of such plates and marks and the affixing thereof to motor vehicles.

Application of provisions of Highway Traffic Act and Regulations.

**Short title.**

**7.** This Act shall be read with The Highway Traffic Act, 1941, and may be cited as The Highway Traffic (Identification Plates) Act, 1942.

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AN ACT FURTHER TO AMEND THE SHIPBUILDING  
(BOUNTIES) ACT, 1938

[13th June, 1942]

**SECTION**

1.—Amdt. Sec. 3.  
2.—Amdt. Sec. 4 (2).  
3.—Repeal and substitution  
Section 7.

**SECTION**

4.—Bounty payable only in  
certain cases, and repay-  
able in certain other cases.  
5.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. Section 3 of the Shipbuilding (Bounties) Act, 1938, Amdt. Sec. 3.  
(No. 38 of 1938) is hereby amended by adding after the  
word "fisheries" the words "and trade".

2. Subsection (2) of Section 4 of the said Act is hereby Amdt. Sec.  
amended by adding after the word "fisheries" the words 4 (2).  
"and trade".

3. Section 7 of the said Act is hereby repealed and the Repeal and  
following substituted therefor: substitution  
Sec. 7.

7. The Commissioner for Natural Resources shall, up-  
on receiving the certificate of the Chief Inspector  
that a ship has been built and surveyed in accord-  
ance with the provisions of this Act and is qualified  
for bounty, cause to be paid out of any public  
funds which may have been voted for the purpose,  
to the person to whom a permit was issued to build  
such ship or to the assignee of such person bounty  
at the rate appropriate in the case of such ship.

4.—(1) Whenever any ship in respect of which bounty Bounty payable  
is payable under the said Act is hereafter sold to a pur- only in certain  
chaser not ordinarily engaged in the fisheries and trade cases, and  
of Newfoundland or for purposes other than the fisheries repayable in  
and trade of Newfoundland, or is diverted in any manner certain other  
whatsoever to be used for any purposes other than the cases.

fisheries and trade of Newfoundland and the amount of bounty payable in respect of such ship has not been paid, then the same shall not be payable.

(2) Whenever any ship in respect of which bounty has been paid under the said Act is sold, within five years of the date of issue by the Chief Inspector of the certificate referred to in Section 7 of the said Act as enacted by Section 3 of this Act, to a purchaser not ordinarily engaged in the fisheries and trade of Newfoundland or for purposes other than the fisheries and trade of Newfoundland, or is diverted in any manner whatsoever to be used for any purposes other than the fisheries and trade of Newfoundland the amount of bounty so paid shall be repaid to the Commissioner for Natural Resources by the person who so sold or diverted such ship and the same until so repaid shall be a lien upon such ship and shall attach to and upon such ship into whosever hands such ship may come in any manner whatsoever.

**Short title.**

5. This Act shall be construed with the Shipbuilding (Bounties) Act, 1938, and Acts in amendment thereof and may be cited therewith as The Shipbuilding (Bounties) Acts, 1938-1942.

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## AN ACT TO AMEND THE MILITIA ACT, 1939.

## SECTION

1.—Repeal and substitution  
Sec. 3; appointment of  
officers.

## SECTION

2.—Amdt. Sec. 5.  
3.—Amdt. Sec. 6.

[17th June, 1942]

**Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:**

1. Section 3 of the Militia Act, 1939, is hereby repealed and the following substituted therefor:  
Sec. 3; appointment of officers.
3. The Governor shall appoint a Commanding Officer of the Militia Force who shall be charged with the military command of the Force, and such officers and warrant officers as may be deemed necessary. All non-commissioned officers shall be appointed by the Commanding Officer.
2. Section 5 of the said Act is hereby amended by adding after the last word thereof the words "or specially ordered to do so by competent authority".  
Amdt. Sec. 5.
3. Section 6 of the said Act is hereby amended by striking out the words "Lieutenant-Colonel" and substituting therefor the words "Commanding Officer".  
Amdt. Sec. 6.

AN ACT TO AUTHORIZE THE EXECUTION OF A  
SUPPLEMENTARY LEASE TO THE UNITED  
STATES OF AMERICA

[27th June, 1942]

## SECTION

- 1.—Authority to execute supplementary lease.
- 2.—Lease effective on execution.
- 3.—Exercise of rights under lease ad interim to be lawful.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Authority to execute supplementary lease.

1. The Governor in Commission is hereby authorized to execute a lease to the United States of America in the form set out in the Schedule to this Act.

Lease effective on execution.

2. Upon the execution thereof the said lease shall become effective in Newfoundland immediately.

Exercise of rights under lease ad interim to be lawful.

3. The exercise by the United States of America of any rights, power, authority or control to be granted by such lease ad interim pending the execution thereof shall be deemed to have been lawful.

Title to lands leased.

- 4.—(1) Upon the execution of the said lease all of the lands described in Schedule A and Schedule B thereof shall be lawfully held as lessees by the United States of America in accordance with the terms thereof and of the Agreement and save as excepted by the provisions of the said lease all right, title and interest of any persons in, to or over the said lands whether derived from any grant from the Crown or by prescription or otherwise shall thereupon cease and determine.

## SECTION

- 4.—(1) Title to lands leased.
- (2) Rights over restricted area.
- 5.—Reversion of lands leased is in Crown.
- 6.—Short title.

Schedule.

(2) Upon the execution of the said lease all of the lands ~~rights over~~ described in Schedule C thereof shall be subject in accordance with the terms thereof to the restrictions in the said lease described and the rights granted to the United States of America in relation to the said lands shall be enforceable at law.

5. Upon the determination of the said lease all of the ~~reversion of~~ lands granted thereby as described in Schedule A and ~~lands leased~~ <sup>is in Crown.</sup> Schedule B thereof shall revert to and become the absolute property of the Crown in right of the Government of Newfoundland.

6. This Act may be cited as The American Bases (Supplementary Leases) Act, 1942.

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Schedule.

**SCHEDULE**

THIS INDENTURE of Lease made  
the        day of        ,  
nineteen hundred and forty-  
two between His Excellency Sir  
Humphrey Walwyn, K.C.S.I.,  
K.C.M.G., C.B., D.S.O., Gover-  
nor and Commander-in-Chief in  
and over the Island of New-  
foundland and its Dependencies, in Commission, hereinafter  
referred to as the Newfoundland Government, of the first  
part, and the United States of  
America of the other part.

WHEREAS the American Bases Act, 1941, was enacted  
to give effect in Newfoundland to an Agreement made be-  
tween the Government of the United Kingdom and the  
United States of America and authorized the Governor in  
Commission to execute a lease to the United States of  
America in the form set out in Schedule B to the said Act  
which lease was duly executed the fourteenth day of June  
One thousand nine hundred and forty-one;

AND WHEREAS by the said Indenture of Lease dated  
the fourteenth day of June One thousand nine hundred  
and forty-one the Newfoundland Government demised and  
leased unto the United States of America twelve several  
pieces or parcels of land wherein were included under the  
heading STEPHENVILLE two parcels and under the  
heading SIGNAL HILL BATTERY one parcel;

AND WHEREAS the United States of America has re-  
quested and the Government of Newfoundland has agreed  
that the metes and bounds of the said parcels of land at

Stephenville and Signal Hill Battery should be revised so as to include additional areas of land at these places;

AND WHEREAS in addition to the foregoing the United States of America has further requested the lease of additional areas of land in Newfoundland pursuant to the provisions of Article XXVII of the said Agreement and the Government of Newfoundland has agreed thereto;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises:

FIRSTLY the Newfoundland Government hath demised and leased and by these presents doth demise and lease unto the United States of America in substitution for the said parcels of land at Stephenville and Signal Hill Battery all those three several pieces or parcels of land described in Schedule A to these presents and delineated on the plans hereto annexed marked "A" TO HAVE AND TO HOLD the same for the full end and term of ninety-nine years to begin and to be computed from the said fourteenth day of June One thousand nine hundred and forty-one free from the payment of all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of bases and facilities of the United States and

SECONDLY the Newfoundland Government hath demised and leased and by these presents doth demise and lease unto the United States of America all those twelve several pieces or parcels of land described in Schedule B to these presents and delineated on the plans hereto annexed marked "B" TO HAVE AND TO HOLD the same for the unexpired period of the said Indenture of Lease dated the fourteenth day of June One thousand nine hundred

and forty-one free from the payment of all rent and charges other than compensation as aforesaid, and

THIRDLY the Newfoundland Government hath granted and by these presents doth grant unto the United States of America all such right, title and interest in the area of land described in Schedule C to these presents and delineated on the plan hereto annexed marked "C" as shall be necessary to enable the United States of America to prevent the erection thereon of any building or structure of any kind TO HOLD AND ENJOY the same for the duration of this Lease free from the payment of all rent and charges other than compensation as aforesaid.

AND the United States of America agrees that it will not during the term hereby granted use the areas hereby leased nor permit the use thereof except for the purposes specified and on the terms and conditions contained in the aforesaid Agreement and the Notes referred to in the said Agreement which Agreement and Notes (except such parts thereof as refer specially to territory other than Newfoundland) are incorporated in and form part of these presents.

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#### SCHEDULE A.

##### STEPHENVILLE (HARMON FIELD)

(1) Parcel No. 1: Starting at a concrete monument set at the intersection of the South line of the Aguathuna-Stephenville Crossing Road and the East line of the first road east of Stephenville, said point being the principal point of beginning; thence along the Easterly line of the second mentioned road North 14 degrees, 36 minutes, 26.99 seconds East 817.511 feet; thence North 15 degrees, 01 minute, 55.65 seconds East 480.940 feet; thence North 8 degrees, 58 minutes, 43.92 seconds East 246.351 feet;

thence North 24 degrees, 54 minutes, 58.38 seconds West 810.466 feet; thence North 49 degrees, 08 minutes, 39.13 seconds East 866.831 feet; thence North 66 degrees, 44 minutes, 41.31 seconds East 137.706 feet; thence North 89 degrees, 02 minutes, 14.11 seconds East 772.573 feet; thence South 67 degrees, 13 minutes, 46.02 seconds East 512.627 feet; thence South 84 degrees, 41 minutes, 51.01 seconds East 172.225 feet; thence North 75 degrees, 38 minutes, 56.58 seconds East 564.854 feet; thence South 68 degrees, 39 minutes, 58.52 seconds East 388.376 feet; thence North 89 degrees, 13 minutes, 32.43 seconds East 306.125 feet; thence North 00 degrees, 46 minutes, 21.09 seconds West 532.312 feet; thence North 48 degrees, 25 minutes, 38.89 seconds West 657.633 feet to the East shore of Warm Creek; thence following the sinuosities of said creek, the general direction of which is as follows: North 20 degrees, 58 minutes, 59.00 seconds West 408.225 feet, North 18 degrees, 08 minutes, 05.70 seconds East 542.654 feet, North 53 degrees, 07 minutes, 33.61 seconds East 625.994 feet, South 80 degrees, 59 minutes, 01.25 seconds East 444.633 feet; thence due North 128.000 feet to a point herein designated as point "T"; thence North 69 degrees, 17 minutes, 16.73 seconds East 3,158.511 feet; thence South 39 degrees, 59 minutes, 24.52 seconds East 50.000 feet to a point herein designated as point "V", said point being on the centre line of the railroad right of way between Harmon Field and the Newfoundland Railway at "White's Road"; thence South 39 degrees, 59 minutes 24.52 seconds East 50.000 feet; thence South 22 degrees, 24 minutes, 43.00 seconds East 281.863 feet; thence South 44 degrees, 36 minutes, 57.43 seconds East 497.617 feet; thence South 18 degrees, 27 minutes, 36.58 seconds East 908.452 feet; thence South 33 degrees, 43 minutes, 12.11 seconds East 495.400 feet; thence South 44 degrees, 54 minutes, 04.92 seconds East 278.880 feet; thence South 81 degrees, 08 minutes, 10.88 seconds East 353.477 feet; thence South 39 degrees, 41 minutes, 22.14 seconds West 2,347.923 feet; thence South 33 degrees, 55

minutes, 00.70 seconds East 535.870 feet; thence along the arc of a curve that bears to the right 434.78 feet, the radius of said curve being 922.366 feet with a deflection angle of 27 degrees, 00 minutes, 28.53 seconds; thence South 6 degrees, 54 minutes, 32.17 seconds East 380.063 feet; thence along the arc of a curve that bears to the left 557.542 feet, the radius of said curve being 988.366 feet with a deflection angle of 32 degrees, 19 minutes, 15.13 seconds; thence along the arc of a curve that bears to the left 357.526 feet, the radius of said curve being 415.687 feet with a deflection angle of 49 degrees, 16 minutes, 42.96 seconds; thence South 88 degrees, 30 minutes, 30.26 seconds East 620.737 feet; thence South 64 degrees, 50 minutes, 59.73 seconds East 672.140 feet; thence South 36 degrees, 17 minutes, 03.06 seconds West 520.464 feet; thence South 12 degrees, 27 minutes, 54.00 seconds West 6,876.854 feet; thence South 51 degrees, 57 minutes, 13.87 seconds West 981.499 feet to a point herein designated as point N-N; thence South 51 degrees 57 minutes, 13.87 seconds West 50 feet to the shore line of St. George's Bay; thence Northwesterly along the shore line of said Bay to a point; thence North 15 degrees, 45 minutes, 45.19 seconds East 75 feet to a point herein designated as point Q-Q, said point being North 45 degrees, 27 minutes, 23.71 seconds West 9,775.275 feet from aforesaid point N-N; thence North 15 degrees, 45 minutes, 45.19 seconds East 1,057.013 feet to the principal point of beginning. An area of approximately 1,723.5 acres.

Parcel No. 2: Being a parcel of land to be used as a site for a Reservoir described as follows:—Starting at point "T" as described in Parcel No. 1 above; thence North 54 degrees, 58 minutes, 01.07 seconds West 1,435.115 feet to a point herein designated as R-R, said point being the principal point of beginning of the Reservoir area; thence South 65 degrees, 50 minutes, 44 seconds West 200.00 feet; thence North 24 degrees, 09 minutes, 16 seconds West 200.00 feet; thence North 65 degrees, 50 minutes,

utes, 44 seconds East 200.00 feet; thence South 24 degrees, 09 minutes, 16 seconds East 200.00 feet to the principal point of beginning. An area of approximately 0.9 of an acre. Including also the right to lay and maintain buried water supply lines, and to erect and maintain power and telephone lines across the intervening land between the Reservoir site and the reservation as described in Parcel No. 1 above.

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#### SIGNAL HILL BATTERY

(2) Being an area on the North shore of St. John's Harbour to be used as a Supply Dock, the description of which is as follows:—Starting at a point on the intersection of the centre lines of Signal Hill Road and Middle Battery Road; thence along Middle Battery Road South 44 degrees, 17 minutes, 41.3 seconds East 268.11 feet; thence South 54 degrees, 09 minutes, 41.3 seconds East 295.03 feet; thence South 44 degrees, 02 minutes, 39.0 seconds East 33.49 feet to the principal point of beginning; thence South 55 degrees, 24 minutes, 40.9 seconds East 182.69 feet; thence South 69 degrees, 34 minutes, 08.2 seconds East 148.62 feet; thence South 84 degrees, 51 minutes, 48.5 seconds East 128.11 feet; thence North 16 degrees, 46 minutes, 10.4 seconds East 90.53 feet; thence South 64 degrees, 44 minutes, 16.5 seconds East 246.63 feet; thence South 56 degrees, 51 minutes, 50.2 seconds East 311.51 feet; thence South 63 degrees, 21 minutes, 04.3 seconds East 183.56 feet; thence South 10 degrees, 35 minutes, 50.4 seconds East 222.18 feet to a point herein designated as D-9; thence due South 70.67 feet to a point herein designated as D-10 on the shore line of St. John's Harbour; thence Northwesterly along the shore line of said harbour to a point herein designated as D-11 said point being North 63 degrees, 27 minutes, 34.8 seconds West 1,358.22 feet from aforesaid point

D-10; thence North 34 degrees, 32 minutes, 36.3 seconds East 83.18 feet to a point herein designated as D-12; thence North 34 degrees, 32 minutes, 36.3 seconds East 63.00 feet to the principal point of beginning. An area of approximately 6 acres.

PROVIDED THAT a strip of land 25 feet wide adjoining the Eastern boundary described above as "South 10 degrees, 35 minutes, 50.4 seconds East 222.18 feet to a point herein designated as D-9" and in addition an area of land within a radius of 25 feet of the said point designated as D-9 shall be reserved for an access road leading from the Upper Battery towards Chain Rock and that the public shall have a right of way over the said road.

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#### SCHEDULE B.

##### STEPHENVILLE (HARMON FIELD) RAILROAD SPUR

(1) Being a right of way to be used for a railroad track from Harmon Field to the main line of the Newfoundland Railway at White's Road; said right of way to be 100 feet wide except as mentioned hereinafter, the centre line of said right of way being described as follows:—Starting at point "V" as described in Parcel No. 1 of paragraph (1) of Schedule A above, said point being on the centre line of the railroad right of way, thence along the arc of a curve 568.45 feet, the radius of said curve being 521.67 feet with a deflection angle of 62 degrees, 26 minutes right; thence South 67 degrees, 33 minutes East 237.02 feet; thence along the arc of a curve 413.25 feet, the radius of said curve being 955.37 feet with a deflection angle of 24 degrees, 47 minutes left; thence North 87 degrees, 40 minutes East 226.94 feet; thence along the arc of a curve 246.51 feet, the radius of said curve being

2,685.89 feet with a deflection angle of 5 degrees, 15 minutes left; thence along the arc of a curve 419.87 feet, the radius of said curve being 573.69 feet with a deflection angle of 41 degrees, 56 minutes left; thence North 40 degrees, 29 minutes East 147.87 feet; thence along the arc of a curve 655.00 feet, the radius of said curve being 573.69 feet with a deflection angle of 65 degrees, 25 minutes right; thence South 74 degrees, 06 minutes East 188.86 feet; thence along the arc of a curve 484.17 feet, the radius of said curve being 1,432.69 feet with a deflection angle of 19 degrees, 22 minutes left; thence North 86 degrees, 32 minutes East 91.91 feet; thence along the arc of a curve 310.63 feet, the radius of said curve being 716.78 feet with a deflection angle of 24 degrees, 51 minutes right; thence South 68 degrees, 37 minutes East 320.23 feet; thence along the arc of a curve 283.13 feet, the radius of said curve being 716.78 feet with a deflection angle of 22 degrees, 39 minutes left; thence North 88 degrees, 44 minutes East 200.50 feet; thence along the arc of a curve 1,346.67 feet, the radius of said curve being 2,864.93 feet with a deflection angle of 26 degrees, 56 minutes right; thence South 64 degrees, 20 minutes East 306.82 feet; thence along the arc of a curve 669.52 feet, the radius of said curve being 573.69 feet with a deflection angle of 66 degrees, 52 minutes left; thence North 48 degrees, 48 minutes East 482.03 feet; thence along the arc of a curve 205.37 feet, the radius of said curve being 955.37 feet with a deflection angle of 12 degrees, 19 minutes left; thence North 36 degrees, 29 minutes East 465.45 feet; thence along the arc of a curve 407.19 feet, the radius of said curve being 573.69 feet with a deflection angle of 40 degrees, 40 minutes right; thence North 77 degrees, 09 minutes East 205.00 feet to a point herein designated as "23" at which point the right of way narrows from 100 feet wide to 50 feet wide; thence North 77 degrees, 09 minutes East 2,352.29 feet; thence along the arc of a curve 1,170.14 feet, the radius of said curve being 1,910.08 feet with a deflection angle of 35 degrees, 06

minutes right; thence South 67 degrees, 45 minutes East 23.00 feet to a point herein designated as "26" at which point the right of way widens from 50 feet to 100 feet in width; thence South 67 degrees, 45 minutes East 353.53 feet; thence along the arc of a curve 709.30 feet, the radius of said curve being 800.00 feet with a deflection angle of 50 degrees, 48 minutes left; thence North 61 degrees, 27 minutes East 253.90 feet; thence along the arc of a curve 674.36 feet, the radius of said curve being 573.69 feet with a deflection angle of 67 degrees, 21 minutes right; thence South 51 degrees, 12 minutes East 366.21 feet; thence on the arc of a curve 676.61 feet, the radius of said curve being 819.02 feet with a deflection angle of 47 degrees, 20 minutes left; thence North 81 degrees, 28 minutes East 380.75 feet; thence along the arc of a curve 253.97 feet, the radius of said curve being 819.02 feet with a deflection angle of 17 degrees, 46 minutes left; thence North 63 degrees, 42 minutes East 195.38 feet; thence along the arc of a curve 227.76 feet, the radius of said curve being 819.02 feet with a deflection angle of 15 degrees, 56 minutes right; thence North 79 degrees, 38 minutes East 1,596.92 feet; thence along the arc of a curve 423.35 feet, the radius of said curve being 2,864.93 feet with a deflection angle of 8 degrees, 28 minutes right; thence North 88 degrees, 06 minutes East 1,191.81 feet; thence along the arc of a curve 718.75 feet, the radius of said curve being 573.69 feet with a deflection angle of 71 degrees, 47 minutes right; thence South 20 degrees, 07 minutes East 427.69 feet; thence along the arc of a curve 293.71 feet, the radius of said curve being 573.69 feet with a deflection angle of 29 degrees, 20 minutes left; thence South 49 degrees, 27 minutes East 736.43 feet; thence along the arc of a curve 423.54 feet, the radius of said curve being 573.69 feet with a deflection angle of 42 degrees, 18 minutes left; thence North 88 degrees, 15 minutes East 688.22 feet; thence along the arc of a curve 437.00 feet, the radius of said curve being 573.69 feet with a deflection angle of 43 degrees, 42 minutes right; thence South 48

degrees, 03 minutes East 364.82 feet; thence along the arc of a curve 220.00 feet, the radius of said curve being 573.69 feet with a deflection angle of 22 degrees, 00 minutes left; thence South 70 degrees, 03 minutes, East 385.02 feet; thence along the arc of a curve 509.82 feet, the radius of said curve being 573.69 feet with a deflection angle of 50 degrees, 55 minutes left; thence North 59 degrees, 01 minute East 1,645.59 feet; thence along the arc of a curve 645.02 feet, the radius of said curve being 955.37 feet with a deflection angle of 38 degrees, 41 minutes right; thence South 82 degrees, 18 minutes East 83.57 feet; thence along the arc of a curve 809.39 feet, the radius of said curve being 1,591.81 feet with a deflection angle of 29 degrees, 08 minutes right; thence South 53 degrees, 10 minutes East 364.59 feet; thence along the arc of a curve 506.98 feet, the radius of said curve being 573.69 feet with a deflection angle of 50 degrees, 38 minutes left; thence North 76 degrees, 12 minutes East 251.15 feet; thence along the arc of a curve 363.22 feet, the radius of said curve being 955.37 feet with a deflection angle of 21 degrees, 47 minutes right; thence South 82 degrees, 01 minute East 810.92 feet; thence along the arc of a curve 285.00 feet, the radius of said curve being 5,729.65 feet with a deflection angle of 2 degrees, 51 minutes right; thence South 79 degrees, 10 minutes East 3,138.83 feet; thence along the arc of a curve 359.33 feet, the radius of said curve being 955.37 feet with a deflection angle of 21 degrees, 33 minutes right; thence South 57 degrees, 37 minutes East 346.81 feet to a point herein designated as "63" said point being on the Westerly edge of a rectangular area adjacent to the Newfoundland Railway; thence North 32 degrees, 23 minutes East 592.86 feet; thence South 57 degrees, 37 minutes East 641.86 feet to the boundary line of the Newfoundland Railway; thence along the railway on an arc of a curve 543.34 feet, the radius of said curve being 5,729.65 feet with a deflection angle of 5 degrees, 26 minutes to a point which is station 2533 + 10 in the survey of the Newfoundland Railway;

thence continuing along the boundary of the Newfoundland Railway South 32 degrees, 23 minutes West 2,640.37 feet; thence North 57 degrees, 37 minutes West 616 feet; thence North 32 degrees, 23 minutes East 2,592.40 feet to point "63". Being a total length of right of way of approximately 6.55 miles and an area of approximately 75 acres in the right of way and 45 acres in the area at White's Road adjacent to the railroad right of way.

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**SIGNAL HILL BATTERY (ACCESS ROAD)**

(2) Being a right of way 50 feet wide for an Access Road from Signal Hill Road to the Parcel described under the heading Signal Hill Battery in paragraph (2) of Schedule A above, the description of the centre line of said right of way being as follows:—Starting at a point on the intersection of the centre lines of Signal Hill Road and Middle Battery Road, said point also being the principal point of beginning; thence South 34 degrees, 52 minutes, 03.5 seconds East 122.27 feet; thence South 43 degrees, 17 minutes, 24.4 seconds East 363.28 feet; thence South 51 degrees, 23 minutes, 48.8 seconds East 121.54 feet to point D-12 as designated in the said Parcel described in paragraph (2) of Schedule A above.

**PROVIDED THAT** there shall be excluded from the right-of-way, such land as is now owned by the City of St. John's and used as a public road; and provided further that the use of the said right-of-way shall be enjoyed in common with the United States of America by the public.

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**FOX ISLAND, PLACENTIA BAY**

(3) The whole of Fox Island, situated in Placentia Bay near Ship Harbour on the South Coast of Newfoundland. An area of approximately 58.5 acres.

**ISAAC POINT, PLACENTIA BAY**

(4) The parcel of land comprising the Westerly end of Isaac Point for a distance of approximately 500 feet, being that portion of the point West of longitude 53 degrees, 57 minutes, 14 seconds West, in accordance with the details as shown on Hydrographic Office Chart No. 2376, 3rd Edition, August 1927. An area of approximately 3.4 acres.

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**COOPER HEAD, PLACENTIA BAY**

(5) All that portion of Cooper Head fronting on the South side of Ship Harbour, Placentia Bay, Newfoundland North of an East and West line passing 100 feet South of a point defined by latitude 47 degrees, 20 minutes, 30 seconds North, longitude 53 degrees, 54 minutes, 34 seconds West and West of a North and South line which passes 100 feet east of the aforesaid defined point. An area of approximately 0.7 of an acre.

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**SPARROW POINT, PLACENTIA BAY**

(6) All that portion of Sparrow Point on the North shore of Ship Harbour, Placentia Bay, Newfoundland, South of an East and West line passing 150 feet North of a point defined by latitude 47 degrees, 20 minutes, 54 seconds North, longitude 53 degrees, 55 minutes, 21 seconds West. An area of approximately 0.7 of an acre. Including also the right of landing on adjoining property for servicing purposes, if desired.

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**LAND EAST OF ISAAC HEAD, PLACENTIA BAY**

(7) All that portion of the neck of land to the Eastward of Isaac Head, Placentia Bay, Newfoundland, lying between two North and South lines, one of which passes 50 feet East of a point defined by latitude 46 degrees, 19 minutes, 45 seconds North, longitude 53 degrees, 55 minutes, 42 seconds West and the other of which passes 50 feet to the West of the aforesaid defined point. An area of approximately 1.37 acres.

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**BROAD COVE, PLACENTIA BAY**

(8) All that portion of Broad Cove Point in Little Placentia Harbour, Newfoundland, North of a line running due East and West and passing 100 feet South of the point defined by latitude 47 degrees 18 minutes 16 seconds North, longitude 53 degrees, 57 minutes, 31 seconds West. An area of approximately 1.4 acres.

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**TARGET RANGE AREA**

(9) Being a parcel of land to be used as a location for Target Ranges and described as follows:—Starting at a point on the intersection of the East line of Logy Bay Road and the South line of Harding Road, said point being the principal point of beginning; thence along the East line of Logy Bay Road as follows: North 35 degrees, 18 minutes, 15.88 seconds East 1,057.05 feet; thence North 39 degrees, 45 minutes, 24.21 seconds East 494.13 feet; thence North 35 degrees, 08 minutes, 18.30 seconds East 213.53 feet; thence North 24 degrees, 05 minutes, 23.19 seconds East 386.65 feet; thence South 76 degrees, 37 minutes, 09.83 seconds East 2,486.01 feet; thence South 47 degrees, 27 minutes, 39.55 seconds East 350 feet; thence

North 89 degrees, 27 minutes, 21.39 seconds East 787.75 feet; thence North 39 degrees, 30 minutes, 46.48 seconds East 368.50 feet; thence due North 2,538.26 feet; thence due East 3,700 feet to a point herein designated as point "T-11"; thence due East approximately 180 feet to the Shore line of the Atlantic Ocean; thence Southerly following the sinuosities of the Shore Line approximately 10,000 feet to a point on the Shore Line; thence due West approximately 170 feet to a point herein designated as "T-14", said point being South 5 degrees, 35 minutes, 14.55 seconds West 6,195.85 feet from point "T-11"; thence due West 3,600 feet; thence North 16 degrees, 55 minutes, 54.91 seconds East 1,643.0 feet; thence North 87 degrees, 07 minutes, 36.62 seconds West 798 feet; thence South 2 degrees, 59 minutes, 46.23 seconds West 308 feet; thence North 76 degrees, 01 minute, 00.49 seconds West 319.61 feet; thence North 81 degrees, 39 minutes, 49.82 seconds West 110.50 feet; thence South 84 degrees, 19 minutes, 38.65 seconds West 399.11 feet; thence South 9 degrees, 01 minute, 39.65 seconds West 384.68 feet; thence South 48 degrees, 29 minutes, 10.19 seconds West 38.96 feet; thence South 82 degrees, 24 minutes, 40.78 seconds West 151.75 feet; thence North 84 degrees, 39 minutes, 34.13 seconds West 124.63 feet; thence North 78 degrees, 26 minutes, 01.60 seconds West 188.53 feet; thence South 75 degrees, 50 minutes, 14.82 seconds West 40.71 feet; thence North 34 degrees, 03 minutes, 10.42 seconds West 378.42 feet; thence North 65 degrees, 58 minutes, 15.89 seconds West 2,684.22 feet to the principal point of beginning. An area of approximately 860 acres.

PROVIDED THAT George R. Cook, George J. Cook and Tasker Cook, owners of certain lands included in the above described area and shown on the map accompanying this Lease, and their heirs and assigns to said property, shall continue to have, during the period that this Lease is in effect, limited right of access to these respective

properties for the purpose of cutting and removing timber therefrom. Such limitation may be placed upon this right of entry as the Commanding Officer of United States troops in Newfoundland deems necessary for the protection of persons during target or combat firing. George J. Cook and his heirs and assigns shall continue to have the exclusive use of water flowing from the spring located on his above described land during the term of this Lease.

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#### AMMUNITION STORAGE AREA

(10) Three connected parcels of land as follows:—

Parcel No. 1: Starting at a point which is approximately 3 miles Northwest of the City of St. John's on the centre line of Portugal Cove Road and the centre of Ricketts Bridge, thence along Portugal Cove Road as follows: North 74 degrees, 03 minutes, 40.5 seconds West 88.53 feet; thence North 65 degrees, 15 minutes, 52.5 seconds West 189.76 feet; thence North 57 degrees, 14 minutes, 07.5 seconds West 309.07 feet; thence South 33 degrees, 23 minutes, 37.5 seconds West 23 feet to a point on the West line of Portugal Cove Road said point being the principal point of beginning; thence South 33 degrees, 23 minutes, 37.5 seconds West 269.54 feet to a point herein designated as point "D" on the centre line of the right of way hereinafter described in Parcel No. 2 of this paragraph to the area hereinafter described in Parcel No. 3 of this paragraph; thence South 62 degrees, 41 minutes, 30 seconds West 30 feet; thence North 27 degrees, 18 minutes, 30 seconds West 200 feet; thence North 33 degrees, 23 minutes, 37.5 seconds East 215 feet to the West line of Portugal Cove Road; thence South 51 degrees, 25 minutes, 06.27 seconds East 189.89 feet along the West line of Portugal Cove Road to the principal point of beginning. An area of approximately 1.12 acres.

Parcel No. 2: Being a right of way 60 feet wide between the above described area and the area hereinafter described in Parcel No. 3 of this paragraph, the centre line of which is described as follows:—Starting at boundary point "D" of Parcel No. 1 of this paragraph as described above, said point being the principal point of beginning, thence South 27 degrees, 18 minutes, 30 seconds East 173.66 feet; thence South 07 degrees, 22 minutes, 07.5 seconds East 418.06 feet; thence South 40 degrees, 02 minutes, 15 seconds West 333.67 feet; thence South 58 degrees, 09 minutes, 00 seconds West 410.43 feet to a point herein designated as point "H" at the entrance to the area hereinafter described in Parcel No. 3 of this paragraph. An area of approximately 1.84 acres.

Parcel No. 3: Starting at point "H" on the centre line of the right of way described above in Parcel No. 2 of this paragraph, said point being the principal point of beginning; thence South 27 degrees, 17 minutes, 00 seconds West 189.39 feet; thence South 27 degrees, 40 minutes, 00 seconds East 386.31 feet to point "J"; thence South 62 degrees, 20 minutes, 00 seconds West 1,047.38 feet to point "K"; thence North 27 degrees, 40 minutes, 00 seconds West 932.14 feet to point "L"; thence North 62 degrees, 20 minutes, 00 seconds East 1,047.38 feet to point "M"; thence South 27 degrees, 40 minutes, 00 seconds East 328.30 feet; thence South 82 degrees, 37 minutes, 00 seconds East 189.39 feet to the principal point of beginning. An area of approximately 22.94 acres.

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### SCHEDULE C

#### AMMUNITION STORAGE RESTRICTED AREA

All of the land within a radius of 1,200 feet from the area described above in Parcel No. 3 of paragraph (10) of

Schedule B of this Lease, the metes and bounds thereof being described as follows:—Starting at point “J” as described in the said Parcel No. 3 of paragraph (10) of Schedule B above, thence South 27 degrees, 40 minutes, 00 seconds East 1,200 feet to the principal point of beginning; thence South 62 degrees, 20 minutes, 00 seconds West 1,047.38 feet; thence on the arc of a curve 1,884.96 feet, the radius of said curve being 1,200 feet with its centre at “K” as described in the said Parcel No. 3 of paragraph (10) above, and a central angle of 90 degrees; thence North 27 degrees, 40 minutes, 00 seconds West 932.14 feet; thence on the arc of a curve 1,884.96 feet, the radius of said curve being 1,200 feet with its centre at “L” as described in the said Parcel No. 3 of paragraph (10) above, and a central angle of 90 degrees; thence North 62 degrees, 20 minutes, 00 seconds East 1,047.38 feet; thence on the arc of a curve 1,884.96 feet, the radius of said curve being 1,200 feet with its centre at “M” as described in the said Parcel No. 3 of paragraph (10) above, and a central angle of 90 degrees; thence South 27 degrees, 40 minutes, 00 seconds East 932.14 feet; thence on the arc of a curve 1,884.96 feet, the radius of said curve being 1,200 feet with its centre at “J” as described in the said Parcel No. 3 of paragraph (10) above and a central angle of 90 degrees, to the principal point of beginning. An area of approximately 210 acres.

IN WITNESS WHEREOF

The Great Seal of the Island of Newfoundland has been affixed to these presents at St. John’s in the Island aforesaid.

By His Excellency’s Command

Commissioner for Home Affairs and Education.

And the United States of America has caused these  
presents to be executed on its behalf by

the day and the year first above written.

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AN ACT TO MAKE TEMPORARY PROVISION FOR  
THE MANAGEMENT OF THE TOWN OF WINDSOR.

[27th June, 1942]

## SECTION

1.—Present Board to continue in office.  
2.—Elections for 1942 not to be held.  
3.—Governor in Commission

## SECTION

to have powers of appointment and removal.  
4.—Construction.  
5.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Present Board to continue in office.

1. The Board of Management for the Town of Windsor elected under the provisions of Section 4 of the Town of Windsor (Management) Act, 1938, and now holding office shall continue in office as the Board of Management for the said town until replaced by members appointed or elected under the provisions of this Act or of any Act which may hereafter be enacted to make provision for the management of the said town.

Elections for 1942 not to be held.

2. The election for which provision is made under the Town of Windsor (Management) Act, 1938, of members of the Board of Management for the town, to take office on the first of July, 1942, shall not take place.

Commission to have powers of appointment and removal.

3. The Governor in Commission may appoint any person as a member of the Board of Management for the Town of Windsor and may remove any person therefrom.

Construction.

4. This Act shall be read as one with the Town of Windsor (Management) Act, 1938.

Short title.

5. This Act may be cited as the Town of Windsor (Temporary Management) Act, 1942.

AN ACT TO AMEND THE ACT NO. 24 of 1934 ENTITLED "AN ACT RESPECTING OLD AGE PENSIONS".

[27th June, 1942]

SECTION 1.—Amdt. See. 4.

Be it enacted by the Governor, by and with the advice of <sup>A.D. 1942.</sup> the Commission of Government, as follows:

1. Section 4 of the Act No. 24 of 1934 entitled "An <sup>Amdt. Sec. 4.</sup> Act Respecting Old Age Pensions" is hereby amended by striking out subsection (1) thereof and substituting therefor the following:

(1) As from July 1st, 1942, a pension under this Act shall be the sum of sixty dollars a year.

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AN ACT TO PROVIDE FOR CLOSING HOURS AND  
OTHER MATTERS IN RELATION TO SHOPS IN  
ST. JOHN'S.

[July 14, 1942]

**SECTION**

- 1.—**Interpretation.**
- 2.—**Exemptions.**
- 3.—**When shop may not be open.**
- 4.—**Delivery of goods.**
- 5.—**Working hours for assistants.**
- 6.—**Additional working hours by agreement.**
- 7.—**Relief from duty.**
- 8.—**Seats for female employees.**
- 9.—**Sanitary conveniences.**
- 10.—**Sale of goods in case of illness.**

**SECTION**

- 11.—**Special permit to open for convenience of ships or in exceptional circumstances.**
- 12.—**Sale of certain goods outside of permitted hours; penalties.**
- 13.—**General penalties.**
- 14.—**Repeal.**
- 15.—**Short title.**

Schedule A.  
Schedule B.  
Schedule C.

**A.D. 1942.** Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

**Interpretation.** 1. In this Act—

- (a) “assistant” means any person employed in or about a shop and wholly or mainly employed in connection with the serving of customers, or the receipt of orders or the despatch of goods, or in any office connected with a shop.
- (b) “Christmas period” means the twelve clear working days immediately preceding Christmas Day.
- (c) “Commissioner” means the Commissioner for Home Affairs and Education.
- (d) “shop” means shop in St. John's and includes any premises where any wholesale or retail trade or business is carried on and any office associated

therewith, but does not include the establishments of the Board of Liquor Control.

(e) "St. John's" means the municipality of St. John's and an area within one mile outside the limits of the said municipality.

(f) "week" means the period between midnight on Saturday and midnight on the next succeeding Saturday.

2. Shops whose principal business consists of the sale <sup>Exemptions.</sup> of the goods set forth in Schedule B to this Act shall be exempt from the provisions of this Act except Sections 7, 8, 9, 12 and 13.

3. No shop shall be open for the serving of customers <sup>When shop may</sup> on any day except during the open hours for that day <sup>not be open.</sup> set forth in Schedule A to this Act.

4. No assistant shall be required to begin delivery of <sup>Delivery of</sup> goods <sup>goods.</sup> purchased in or from any shop unless such delivery can reasonably be made and completed within one hour after the open hours for that day.

#### WORKING HOURS FOR SHOP ASSISTANTS.

5.—(1) No assistant shall be employed in any shop on <sup>Working hours</sup> any of the days for which no open hours are set forth <sup>for assistants.</sup> in Schedule A to this Act.

(2) On every regular half holiday and special half holiday set forth in the said Schedule A, no male assistant shall be employed in any shop on Water Street for more than four and one-quarter working hours, or in any shop off Water Street for more than four and one-half working

hours and no female assistant shall be employed in any shop on Water Street for more than three and three-quarter working hours or in any shop off Water Street for more than four working hours.

(3) Subject to the provisions of subsection (7) of this section, on every Saturday or, if any of the days to which subsection (1) of this section applies shall fall on Saturday, then on the day immediately preceding such Saturday, no male assistant shall be employed in any shop on Water Street for more than ten and three-quarter working hours or in any shop off Water Street for more than eleven working hours and no female assistant shall be employed in any shop on Water Street for more than ten and one-quarter working hours or in any shop off Water Street for more than ten and one-half working hours.

(4) Subject to the provisions of subsections (5), (6), (7) and (8) of this section, on any day other than a day to which the provisions of any of the foregoing subsections of this section apply no male assistant shall be employed in any shop on Water Street for more than eight and one-half working hours or in any shop off Water Street for more than eight and three-quarter working hours and no female assistant shall be employed in any shop on Water Street for more than eight working hours or in any shop off Water Street for more than eight and one-quarter working hours.

(5) On any day, other than Sunday, during the Christmas period a male assistant may be employed in any shop on Water Street for not more than ten and three-quarter working hours and in any shop off Water Street for not more than eleven working hours and a female assistant may be employed in any shop on Water Street for not more than ten and one-quarter working hours and in any shop off Water Street for not more than ten and one-half working hours.

(6) In every week during the period between the second and the thirty-first days of January, both days inclusive, in each year male office assistants may be employed in any shop on any two of the days to which subsection (4) of this section applies for not more than two and one-half working hours in each such day in addition to the number of working hours limited by the said subsection.

(7) In every week during the period from the tenth day of May to the tenth day of June, both days inclusive, in each year, packers, shippers and entry clerks may, on any two days other than days to which the provisions of subsections (1) and (2) of this section apply, be employed in any shop in connection with the shipping of goods by local steamers and schooners for not more than two and one-half working hours in each such day in addition to the number of working hours hereinbefore in this section limited for each such day: Provided that this subsection shall not apply to any office assistant who has worked for any of the additional hours permitted by subsection (6) of this section.

(8) During the period from the first day of November inclusive to the beginning of the Christmas period in each year, assistants may be employed in any shop on any two of the days to which subsection (4) of this section applies for not more than two working hours in each such day in addition to the number of working hours limited by the said subsection.

(9) The hours set forth in this section shall be exclusive of the periods of relief from duty provided under Section 7 of this Act.

**6.** Nothing in this Act contained shall make it unlawful for assistants to be employed in any shop by agreement. **Additional working hours**

for a greater number of working hours than hereinbefore limited if such compensation as shall have been fixed by agreement between the employer and any assistants concerned shall be paid by such employer to such assistants in respect of such extra services: Provided that this section shall not extend the open hours of shops set forth in Schedule A to this Act.

Relief from duty.

7.—(1) No assistant shall be kept on duty for a period exceeding five consecutive hours.

(2) Any assistant who has been on duty for a period of five consecutive hours shall be entitled to relief from duty for a continuous period of one hour and a quarter.

(3) Every assistant shall be allowed intervals of relief from duty for meals as follows:

(a) Where the hours of employment include the hours from 12.00 (noon) to 3.00 p.m., an interval of not less than one hour and a quarter shall be allowed between those hours.

(b) Where the hours of employment include the hours from 5.00 p.m. to 8.00 p.m., an interval of not less than one hour and a quarter shall be allowed between those hours.

#### SEATS, SANITATION, ETC.

Seats for female employees.

8. In all rooms of a shop where female assistants are employed in the serving of customers the occupier of the shop shall provide seats behind the counter or in such other position as may be suitable for the purpose and such seats shall be in the proportion of not less than one seat to every three female assistants employed in each room; and no occupier or manager of a shop shall in any

manner hinder or restrict the reasonable use of such seats.

**9**—(1) Every shop shall be provided with sufficient and <sup>Sanitary</sup> suitable sanitary conveniences, regard being had to the <sup>conveniences.</sup> number of assistants employed in or in attendance at the shop.

(2) The Commissioner for Public Health and Welfare may by special order determine what is sufficient and suitable accommodation within the meaning of this section for any class of shops.

### **SPECIAL CASES**

**10.** If any person shall be charged with having a shop <sup>Sale of goods</sup> open outside of the permitted hours or with selling goods <sup>in case of</sup> illness. contrary to Section 12 of this Act the Court before whom such charge is heard may dismiss the same if the Court shall be satisfied that the person charged had reasonable grounds to believe that the article supplied to a customer outside permitted hours was required by reason of a case of illness or death.

**11.** A stipendiary magistrate resident in St. John's or <sup>Special</sup> permit the Chief of Police may give a permit for any shop to be <sup>to open for</sup> opened outside of the permitted hours for the purpose <sup>convenience of</sup> ships or in of supplying victuals, stores, or other necessaries for <sup>exceptional</sup> circumstances. a ship immediately upon her arrival or in order to expedite her departure or for the purpose of supplying necessities in exceptional circumstances.

### **OFFENCES AND PENALTIES**

**12.**—(1) No goods other than those set forth in Schedule B to this Act shall be sold in or from any shop to which Section 2 of this Act applies on any day except during the open hours for that day set forth in Schedule A to this Act. <sup>Sale of certain goods outside of permitted hours; penalties.</sup>

(2) Any person who contravenes the provisions of subsection (1) of this section shall be liable on summary conviction upon the complaint of any person to the following penalties:

- (a) In the case of the first offence, a fine not exceeding twenty-five dollars and in default of payment to imprisonment not exceeding seven days.
- (b) In the case of a subsequent offence committed within two years of a former offence, a fine not exceeding one hundred dollars and in default of payment imprisonment not exceeding three months.

General penalties.

**13.**—(1) The occupier of any shop who contravenes any of the provisions of this Act where no specific penalty is mentioned for such contravention, shall be liable on summary conviction upon the complaint of any person to the following penalties:

- (a) In the case of the first offence, a fine not exceeding twenty-five dollars and in default of payment imprisonment not exceeding seven days.
- (b) In the case of a second offence, a fine not exceeding fifty dollars and in default of payment imprisonment not exceeding one month.
- (c) In the case of a third or subsequent offence, a fine not exceeding one hundred dollars and in default of payment imprisonment not exceeding three months.

(2) Where an offence for which the occupier of a shop is liable under this Act has been committed by a manager, agent, servant or other person, such manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.

(3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Act, and that such other person has committed the offence in question without his knowledge, consent, or connivance, such other person may be summarily convicted of such offence and the owner shall be exempt from any penalty.

**14.** The Acts mentioned in Schedule C hereto are hereby repealed.

**15.** This Act may be cited as The St. John's Shops Act, Short title, 1942.

#### SCHEDULE A.

Schedule A.

#### OPEN HOURS FOR SHOPS

	DAYS, ETC FOR ALL SHOPS	OPEN HOURS
1. <b>Sundays</b> . . . . .		No open hours.
2. <b>Fixed Whole Holidays, viz.:</b> New Year's Day (January 1st); St. Patrick's Day (March 17th); Good Friday; St. George's Day (April 23rd); Empire Day (May 24th); Memorial Day (July 1st); Armistice Day (November 11th); Christmas day (December 25th); Boxing Day (December 26th) . . . . .	No open hours.	

## SCHEDULE A.—(continued)

	<b> DAYS, ETC. FOR ALL SHOPS</b>	<b>OPEN HOURS</b>
3.	<b>Alternative Fixed Whole Holidays, viz.:</b> The day after New Year's Day, St. Patrick's Day, St. George's Day, Empire Day, Memorial Day, Armistice Day, Christmas Day, when any of such days falls on a Sunday; and the 27th December when Christmas Day falls on a Sunday.....	No open hours.
4.	<b>Other Whole Holidays:</b> Such additional days as may be fixed as whole holidays by the Governor in Commission, which may include Labour Day and St. John's Regatta Day as well as any monthly or special days .....	No open hours.
<b>SHOPS ON WATER STREET:</b>		
1.	<b>Regular Half Holidays:</b> Every Wednesday; except during the Christmas period and except when there is a whole holiday in the same week .....	8.30 a.m. to 12.30 p.m.
2.	<b>Special Half Holidays:</b> Such additional half holidays as may be fixed by the Governor in Commission .....	8.30 a.m. to 12.30 p.m.

## SCHEDULE A.—(continued)

	DAYS, ETC. FOR ALL SHOPS	OPEN HOURS
3.	<b>Saturdays:</b> Every Saturday, not being a whole or half holiday.....	8.30 a.m. to 9.30 p.m.
4.	<b>Fridays:</b> When Saturday is a whole holiday only ..... . . . . .	8.30 a.m. to 9.30 p.m.
5.	<b>Christmas Period:</b> Every day except Sunday	8.30 a.m. to 9.30 p.m.
6.	<b>Other Days:</b> Every day not hereinbe- fore in this Schedule specially provided for .....	8.30 a.m. to 6 p.m. ex- cept during the months of July and August, when the hours will be 8.30 a.m. to 5 p.m.
<b>SHOPS OFF WATER STREET:</b>		
1.	<b>Regular Half Holidays:</b> Every Wednesday; except during the Christmas peri- od and except when there is a whole holiday in the same week . . . . .	8.30 a.m. to 1.00 p.m.
2.	<b>Special Half Holidays:</b> Such additional half hol- idays as may be fixed by the Governor in Commis- sion . . . . .	8.30 a.m. to 1.00 p.m.

## SCHEDULE A.—(continued)

	DAYS, ETC. FOR ALL SHOPS	OPEN HOURS
3.	<b>Saturdays:</b> Every Saturday, not being a whole or half holiday ..	8.30 a.m. to 10.00 p.m.
4.	<b>Fridays:</b> When Saturday is a whole holiday only . . . . .	8.30 a.m. to 10.00 p.m.
5.	<b>Christmas Period:</b> Every day except Sunday	8.30 a.m. to 10 p.m.
6.	<b>Other Days:</b> Every day not hereinbe- fore in this Schedule specially provided for .....	8.30 a.m. to 6.30 p.m. except during the months of July and August, when the hours will be 8.30 a.m. to 5.30 p.m.

**SCHEDULE B.**

Schedule B.

**Goods Referred to in Section 2.**

- (a) Refreshments for consumption on the premises.
- (b) Newspapers and periodicals.
- (c) Motor, cycle and aircraft supplies and accessories.
- (d) Tobacco and smokers' requisites.
- (e) Photographic films.
- (f) Medicines and medical and surgical supplies or funeral furniture.
- (g) Milk, cream, bread, fruit and like rapidly perishable foods, not tinned or otherwise preserved.
- (h) Confectionery.

**SCHEDULE C.**

Schedule C.

**Enactments Repealed**

Number and Year	Title or Short Title
No. 8 of 1936	An Act to regulate the closing hours of Shops and other matters in connection therewith.
No. 24 of 1936	An Act to amend the Act No. 8 of 1936 entitled "An Act to regulate the closing hours of Shops and other matters in connection therewith".
No. 31 of 1941	An Act further to amend the Act No. 8 of 1936 entitled "An Act to regulate the closing hours of Shops and other matters in connection therewith".

AN ACT FURTHER TO AMEND THE CROWN LANDS ACT, 1930.

SECTION

- 1.—Amendment of Sec. 41; terms of final licence.
- 2.—New Sec. 54A; grant of easements for transmission lines and to flood

SECTION

- lands; regulations.
- 3.—New Sec. 54B; construction of dams to be approved by Government Engineer; penalty.

[27th July, 1942]

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Amendment  
Sec. 41; terms  
of final licence.

1. Section 41 of the Crown Lands Act, 1930, is hereby repealed and the following substituted therefor:

41. (1) The term of a final licence shall not exceed fifty years from the time fixed in the original interim licence for the completion of the initial development: Provided however that a licence may be issued, subject to renewal upon the conditions hereinafter provided, for one or more further successive terms as may be specified in the licence but not exceeding in the aggregate forty-nine years.
- (2) If the holder of a licence shall desire to renew a licence granted hereunder containing a right of renewal, he shall give notice to the Governor in Commission not less than one year before the expiration of the term thereof, and if the conditions of the licence shall have been complied with, the Governor in Commission may, by endorsement on the licence or notice in writing to the holder of the licence, renew the licence in accordance with the terms thereof.

- (3) The Governor in Commission may refuse to renew a licence, but if the conditions thereof have been complied with he shall not so refuse unless at least six months prior to the expiration thereof he shall have given notice to the holder of the licence of the intention so to do.
- (4) If the conditions of a licence have been complied with and the Governor in Commission shall have given notice of his intention to refuse to renew the licence, it shall be lawful for the Governor in Commission, on expiration of the licence, without further proceedings, to take possession of all works and erections constructed under the licence and of every thing owned or held by the licensee within the power system and used or useful in respect of the undertaking, subject to payment of compensation as herein-after provided.
- (5) As from the date of receipt of notice from the Governor in Commission under subsection (4) of this section of the intention to refuse to renew a licence it shall be unlawful for the licensee to remove from the lands used or occupied thereunder or to damage or destroy any works or erections thereon or any thing owned or held by the licensee within the power system and used or useful in respect of the undertaking.
- (6) Compensation payable under the provisions of subsection (4) of this section shall be paid on the basis of the value of the undertaking as a going concern at the time of taking possession by the Governor in Commission.
- (7) If the Governor in Commission and the holder of the licence are unable to agree upon the compensation to be paid within six months after

the said notice has been given by the Governor in Commission either party may refer the matter for determination by arbitration as hereinafter provided.

- (8) The Governor in Commission shall appoint one arbitrator and the licensee another and such two arbitrators shall appoint a third, and the award of any two of them, signed by them, after hearing both parties and their witnesses as to such compensation, shall be final. Should either party neglect or refuse, upon being required by the other, to appoint an arbitrator within ten days after being so required, or should the two arbitrators when so appointed not agree to the appointment of a third within ten days after their appointment, it shall be lawful for the Supreme Court or any Judge thereof, upon the application of either party, to appoint an arbitrator for the party refusing, omitting or neglecting to make such appointment of such third arbitrator, and the arbitrator when so appointed shall have the same power in all respects as if appointed by either party, or by two arbitrators. The provisions of the Judicature Act, relating to arbitration shall, notwithstanding the provisions of Section 212 of the said Act, apply to any arbitration hereunder.
- (9) If a licence shall not be renewed upon expiration of the original term, or of any further term for which it has been renewed, then all rights thereunder shall absolutely cease and determine without further proceedings, and all lands entered upon, used or occupied thereunder shall forthwith revert to the Crown, together with all permanent works and erections thereon.

**2.** There shall be added to the said Act, immediately after Section 54, a new Section 54A as follows:

**54A.** (1) The Governor in Commission may grant, on such terms as he may deem expedient, to the owner or lessee of a water power held otherwise than under this Act easements along highways and over Crown lands for transmission lines and easements or licences for the raising of the level of the waters in any lake or pond to any level required for the efficient development thereof.

(2) The Governor in Commission may make regulations, which shall be published in the Newfoundland Gazette, imposing penalties for breach of any conditions imposed under the provisions of the preceding subsection for the purpose of securing the proper construction of any works and the safety of the public, which penalties shall be recoverable on summary conviction and shall not exceed the sum of two hundred dollars for any offence and, in default of payment, imprisonment not exceeding six months.

**3.** There shall be added to the said Act as Section 54B he following:

**54B.** (1) No person shall commence the construction or replacement of any dam for the diversion or storage of water in connection with the development of water power under rights acquired under this Act or otherwise unless he has delivered to the Government Engineer plans showing the location of the dam in relation to the surrounding land and particulars of its length, height and width and of its type and the material to be used

New Sec. 54A;  
grant of easements for  
transmission  
lines and to  
flood lands;  
regulations.

construction  
of dams to be  
approved by  
Government  
Engineer;  
penalty.

therein and such further plans and particulars as the Government Engineer may require and unless the Government Engineer has in writing certified that in his opinion the proposed dam will be reasonably safe, strong and durable.

- (2) The construction or replacement of any such dam shall be in accordance with such plans and particulars.
- (3) Every person violating or failing to conform with any provision of this section shall be liable to a penalty not exceeding five thousand dollars, recoverable in the Supreme Court by proceedings in the name of the Attorney General and the said Court may, by injunction, restrain any such person from proceeding with any such construction or replacement unless the same is in accordance with the provisions of this section and the said Court may order any such person within such time as may be limited by such order to remove any such dam or to repair or replace the same to the satisfaction of the Government Engineer.

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AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDED THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY-TWO, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[10th August, 1942]

SECTION 1.—Supplementary Supply, 1941-42.  
Schedule,

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrants dated 19th March, 29th May and 20th June, 1942, and issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60, and as further amended by the Act No. 21 of 1935, for the financial year ended the thirtieth day of June, One thousand nine hundred and forty-two, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding One million, two hundred and fifty-five thousand, two hundred and fourteen dollars (\$1,255,214), and

Supplementary Supply, 1941-42.

the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of July, One thousand nine hundred and forty-one to the thirtieth day of June, One thousand nine hundred and forty-two, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

### SCHEDULE

Head and Subhead	Department and Service	Amount
II.	<b>Finance.</b>	
A	Salaries (War Bonus) .....	\$ 631
B	Pensions and Gratuities .....	5,000
F	General Contingencies .....	12,500
I	Withdrawal of Worn, etc., Coins.....	47,000
J	Cost of New Coins .....	32,400
K	Housing Grants .....	9,700
		<hr/>
III.	<b>Customs.</b>	
A	Salaries (War Bonus) .....	19,030
B	Travelling and Subsistence .....	3,000
C	Incidentals .....	1,700
F	Stores .....	5,100
G	General Expenditure .....	2,102
		<hr/>
IV.	<b>Posts and Telegraphs</b>	
A	Salaries (including War Bonus).....	55,618
E	Stores .....	4,915
G	Telegraph Services .....	125,733
		<hr/>
V.	<b>Assessor of Taxes</b>	
A	Salaries (including War Bonus) ....	2,439
C	Incidentals .....	250
D	Expenses under Life Insurance Companies Act of 1906 .....	177
		<hr/>
		2,866

VII. **Education.**

A	Salaries (War Bonus) .....	96	
B	Travelling .....	2,000	
D	Local Boards of Education .....	341	
E	War Bonus to Teachers .....	129,000	131,437

VIII. **Justice.**

A	Salaries (War Bonus) .....	19,514
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VIII (A) **Defence.**

A	Newfoundland Militia .....	83,920	
F	General Defence Services .....	111,403	195,323

IX. **Natural Resources.**

A	Salaries (War Bonus) .....	8,702	
D	Fisheries Expenditure .....	12,024	
F	Ranger Force Expenses .....	5,162	
G	Surveys .....	4,376	30,264

IX (A) **Agriculture and Rural Reconstruction.**

L	New Industries .....	11,860
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X. **Public Works.**

A	Salaries (including War Bonus) ....	30,489	
D	Public Buildings .....	22,000	
E	Roads, etc. ....	170,000	
F	Miscellaneous .....	34,600	
H	Lighthouses .....	7,000	
I	New Construction, Public Bldgs.....	21,000	
J	Repayment of Mineral Lease rental..	2,000	
L	War Services .....	171,000	
P	Road Construction .....	19,800	
Q	Construction of Hospitals .....	25,000	
R	Construction of Demonstration Farm Buildings .....	5,488	508,377

## XII. Board of Liquor Control

A	Salaries (including War Bonus) ....	30,594
C	Miscellaneous .....	550
		<hr/>
	Grand Total .....	\$1,255,214
		<hr/>

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE

[10th August, 1942]

SECTION 1.—Supply 1942-43  
Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorized by the Governor in Commission by a Special Warrant dated 8th July, 1942, which Warrant has been issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60, and as further amended by the Act No. 21 of 1935, for the financial year ending the thirty-first day of March, One thousand nine hundred and forty-three, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. From and out of the Consolidated Revenue Fund Supply 1942-43. there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding Eleven million, one hundred and sixty-six

thousand, five hundred dollars (\$11,166,500), and the said sums so issued shall be paid and applied by the several Departments in respect of the financial year extending from the first of July, One thousand nine hundred and forty-two to the thirty-first day of March, One thousand nine hundred and forty-three, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

## Schedule.

**SCHEDULE**

Head and Subhead	Department and Service	Amount
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II. **Finance.**

A	Salaries, etc. ....	\$ 59,400
B	Travelling and Incidentals .....	3,100
C	Reorganization of Government Service	27,000
D	Newfoundland Railway .....	75,000
E	Civil Pensions and Gratuities .....	135,000
F	General Contingencies .....	7,500
G	Management of Public Debt .....	13,250
H	Contributions to Imperial Institute and other Committees .....	3,500
I	Withdrawal of Worn and Mutilated Coin .....	30,000
J	Cost of striking New Coins .....	2,000
K	Expenses Foreign Exchange Control	1,150
L	Expenses War Savings Certificates..	7,500
		364,400

III. **Customs.**

A	Salaries and Allowances .....	189,700
B	Travelling and Subsistence .....	3,750
C	Incidentals .....	5,200
D	Rentals and Office Accommodation...	1,950
E	Vessels, Boats and Vehicles .....	6,000
F	Stores .....	8,200
G	Miscellaneous Expenses .....	10,700
		225,500

## IV. Posts and Telegraphs.

A	Salaries and Allowances .....	376,400	
B	Travelling and Subsistence .....	14,300	
C	Incidentals .....	4,800	
D	Office Accommodation, etc. ....	15,000	
E	Stores .....	13,900	
F	Conveyance of Mails .....	172,700	
G	Maintenance of Telegraph, Telephone and Wireless Services .....	67,500	
H	Maintenance and Operation of Ser- vices under Contract .....	27,900	
I	Broadcasting .....	27,900	
J	War Censorship .....	21,700	742,100

## V. Assessor of Taxes.

A	Salaries, etc. .....	16,870	
B	Travelling .....	375	
C	Incidentals .....	355	
D	Expenses under Life Insurance Com- panies Act of 1906 .....	8,500	26,100

## VI. Home Affairs.

A	Salaries and Allowances .....	23,500	
B	Travelling and Incidentals .....	5,000	
C	Miscellaneous Expenses .....	2,900	
D	War Services .....	12,800	44,200

## VII. Education.

A	Salaries, etc. .....	46,600	
B	Travelling and Subsistence .....	13,300	
C	Incidentals .....	2,600	
D	Grants .....	623,400	
E	General Education Expenditure .....	877,200	
F	Reconstruction Expenditure .....	250,000	1,813,100

## VIII. Justice.

A	Salaries and Allowances .....	397,500
B	Travelling and Incidentals .....	11,500
C	Administration of Justice .....	14,200
D	Vessels .....	3,700
E	Penitentiary Expenses .....	29,000
F	Court House, St. John's .....	1,100
G	Outport Court Houses and Gaols.....	5,100
H	Constabulary Expenses .....	79,200
I	Fire Department Expenses .....	17,100
J	Joint Expenses of Constabulary and Fire Department .....	49,500
		607,900

## VIII (A) Department of Defence.

A	Salaries, etc. .....	34,200
B	Travelling and Subsistence .....	900
C	Incidentals .....	1,500
D	Newfoundland Militia .....	438,000
E	Recruiting Expenses .....	14,500
F	Expenses, Services Medical Board...	5,300
G	Furlough Pay to Newfoundlanders Serving with Imperial Forces ....	53,000
H	General Defence Services .....	170,500
		717,900

## IX. Natural Resources.

A	Salaries, etc. .....	243,900
B	Travelling and Subsistence .....	26,300
C	Incidentals .....	8,600
D	Fisheries Expenditure .....	449,800
E	Forestry Expenditure .....	49,500
F	Ranger Force Expenses .....	54,100
G	Surveys .....	29,300
H	Meteorological Service .....	18,000
I	New York Trade Bureau .....	2,300
J	Construction of Vessels .....	400,000
K	Agricultural Expenditure .....	31,400
L	Bounty on Ships Built .....	33,800

M	Forestry Conservation, etc. ....	7,500
N	Relief ....	26,500
O	Rural Industries ....	800
P	Newfoundland Industrial Development Board ....	9,500
Q	Maintenance of Land Settlements ....	25,900
R	Labrador Operations ....	85,000
S	Rural Development ....	139,900
		1,642,100

#### X. Public Works.

A	Salaries, etc. ....	243,300
B	Travelling and Subsistence ....	9,000
C	Incidentals ....	4,900
D	Public Buildings, Maintenance ....	268,500
E	Roads, Bridges, Wharves, etc. ....	595,000
F	Miscellaneous Expenditure ....	23,100
G	Printing, Stationery, Advertising ...	84,700
H	Lighthouses ....	83,500
I	New Construction and Alterations to Public Buildings ....	262,000
J	Geological Division ....	24,000
K	Newfoundland Tourist Traffic Development Board ....	19,500
L	War Services ....	34,300
M	Airport Operation ....	20,800
N	Travelling and Outport Libraries ...	10,800
O	Equipment Science Laboratory ....	2,500
P	Road Construction ....	360,000
Q	Construction of Hospitals ....	260,000
R	Construction of Buildings—Demonstration Farm ....	5,000
		2,810,900

#### XI. Public Health and Welfare.

A	Salaries and Allowances ....	469,200
B	Travelling and Subsistence ....	14,400
C	Incidentals ....	9,300

D	War Pensions .....	417,200
E	Assistance to Indigent Persons .....	370,000
F	Allowances to Widows and Orphans..	235,000
G	Old Age Pensions .....	144,000
H	Hospital and Other Grants .....	41,100
I	Orphanage Grants .....	24,600
J	Maintenance and Equipment of Hospi- tals, etc. .....	418,800
K	Maintenance and Equipment of Clin- ics, etc. .....	37,500
L	Ambulance Services .....	2,100
M	General, Public Health Department..	92,300
N	Grants to Local Councils .....	20,000
O	War Services .....	85,800
P	General Health Campaign .....	36,300
Q	Anti-Tuberculosis Campaign .....	57,900
R	Equipment, New Buildings .....	132,500
		2,608,000

## XII. Board of Liquor Control.

A	Salaries and Allowances .....	62,800
B	Travelling .....	300
C	Incidentals .....	1,200
	Grand Total .....	\$11,166,500

AN ACT TO MAKE PROVISION FOR AN EXPORT  
LEVY UPON SALT FISH PRODUCED DURING 1942

[17th August, 1942]

SECTION

1.—Interpretation.  
2.—Levy per quintal on ex-  
port.

SECTION

3.—Establishment of Salt Fish  
Marketing Fund, 1942.  
4.—Disposal of fund.  
5.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1942.  
of the Commission of Government, as follows:

1. In this Act—

Interpretation.

- (a) “Commissioner” shall mean the Commissioner for Natural Resources.
- (b) “fish” shall mean fish of any of the following kinds, namely: codfish, haddock, hake, ling, pollock and cusk.
- (c) “licensed exporter” shall mean an exporter holding an annual licence under the Newfoundland Fisheries Board Act, 1936.
- (d) “quintal” shall mean one hundred and twelve pounds.

2.—(1) There shall be paid by every licensed exporter Levy per quintal on export. in respect of salt fish produced from fish caught during the calendar year 1942 and exported by him the following:—

- (a) the sum of fifty cents for every quintal of dried shore cure fish, and
- (b) the sum of fifty cents for every quintal of Labrador or heavy salted Newfoundland fish cured in Labrador style, and

- (c) the sum of forty cents for every quintal of heavy salted salt bulk fish, and
- (d) the sum of twenty-five cents for every quintal of shore style salted salt bulk fish, and
- (e) the sum of twenty-five cents for every quintal of pickled salt bulk fish exported as such.

(2) In respect of all salt fish produced from fish caught in the calendar year 1942 and exported before the passing of this Act, the sums set forth in subsection (1) of this section or any unpaid portion thereof shall be paid by the licensed exporter, who has exported such salt fish, to the Secretary for Customs or to the Collector of Customs at the port of exportation, on or before the fifteenth day of August 1942, and until paid the said sum or sums shall constitute a debt due to the Crown recoverable by action in the Supreme Court in the name of the Attorney General.

(3) In respect of all salt fish produced from fish caught in the calendar year 1942 and exported after the passing of this Act the sums set forth in subsection (1) of this section shall be paid by the licensed exporter, who exports such salt fish, to the Collector of Customs at the port of exportation and prior to the exportation thereof and unless such payment is made in full by the licensed exporter at the time of lodging the relevant export entry for such salt fish the Collector of Customs shall refuse to accept such entry.

Establishment  
of Salt Fish  
Marketing  
Fund, 1942.

3. There shall be established a fund to be known as "The Salt Fish Marketing Fund, 1942", which shall be administered by the Commissioner or by such person or persons as may from time to time be appointed by the Governor in Commission, and there shall be paid into the said fund from time to time by the Commissioner from moneys provided by the Commission of Government

amounts equivalent to the sums received from payments by licensed exporters under Section 2 of this Act.

**4.** The amounts paid into the fund established under Section 3 of this Act shall be disposed of in such manner as may be directed by any enactment for the purpose of fixing minimum prices for salt fish produced from fish caught in the calendar year 1942, and exported by licensed exporters: Provided that, if no such enactment shall have been made prior to the 31st day of December, 1942, the amount to the credit of the said fund shall be held by the Commissioner to be applied, subject to the approval of the Governor in Commission, to any arrangement which may thereafter be made for the assistance of the fishing industry generally or particularly.

**5.** This Act may be cited as "The Salt Fish Levy <sup>Short title.</sup> Act, 1942".

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## AN ACT TO AMEND THE CIVIL SERVICE ACT, 1926

[24th August, 1942]

## SECTION

1.—Amdt. Sec. 2.

## SECTION

2.—Commencement of Act.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Amdt. Sec. 2.

**1.** Section 2 of the Act 17 George V, Chapter 12, entitled "An Act respecting the Civil Service" is hereby amended by adding at the end of the said section the following paragraph:

(c) payments authorized by statute, or specially approved by the Governor in Commission.

Commencement of Act.

**2.** This Act shall be deemed to have had effect as from the first day of January, A.D. 1942.

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AN ACT FURTHER TO AMEND THE EXPLOITS  
VALLEY (CLOSING HOURS) SHOP ACT, 1938.

[24th August, 1942]

SECTION 1.—Amtd. Sec. 6 (2) of Act No. 36 of 1938.

Be it enacted by the Governor, by and with the advice A.D. 1942  
of the Commission of Government as follows:

1. Subsection (2) of Section 6 of the Exploits Valley Amdt. Sec. 6 (Closing Hours) Shop Act, 1938, is hereby amended by <sup>(2) of Act</sup> No. 36 of 1938, striking out the words "Grand Falls, Grand Falls Station, Bishop's Falls and".

AN ACT FURTHER TO AMEND CHAPTER 1 OF THE  
CONSOLIDATED STATUTES (THIRD SERIES)  
ENTITLED "OF THE PROMULGATION AND  
CONSTRUCTION OF STATUTES".

[24th August, 1942]

SECTION

1.—Amdt. Sec. 7.

SECTION

2.—Coming into effect.

A.D. 1942.

Be it enacted by the Governor, by and with the advice  
of the Commission of Government, as follows:

Amdt. Sec. 7.

1. Section 7 of Chapter 1 of the Consolidated Statutes  
(Third Series) entitled "Of the Promulgation and  
Construction of Statutes, as heretofore amended, is hereby  
further amended by inserting after the words "con-  
struction of Acts" the words "or of rules, regulations or  
orders made thereunder or of orders made under any  
such rules or regulations".

Coming into  
effect.

2. This Act shall be deemed to have come into effect  
on the 1st day of September, 1939.

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AN ACT FURTHER TO AMEND THE REVENUE  
ACT, 1939

[24th August, 1942]

SECTION

1.—Amendment Schedule A.  
2.—Amendment Schedule C.

SECTION

3.—Time of coming into effect.

Be it enacted by the Governor, by and with the advice of <sup>A.D. 1942</sup> the Commission of Government, as follows:

1. Schedule A to the Revenue Act, 1939, as heretofore <sup>Amendment</sup> amended, is hereby further amended by striking out item Schedule A 27, 161a and 162 and substituting therefor the items set forth in Schedule A to this Act.

2. Schedule C to the Revenue Act 1939, as heretofore <sup>Amendment</sup> amended, is hereby further amended by striking out items Schedule C. E1405a and E1405b and substituting therefor the item set forth in Schedule B to this Act.

3. The amendment in respect of item 27 to Schedule A <sup>Time of</sup> to the Revenue Act 1939 shall be deemed to have come in <sup>coming into</sup> effect. to effect at midnight on the 24th day of May, 1942, and the other amendments shall be deemed to have come into effect at midnight on the 14th day of July, 1942.

**SCHEDULE A.**

Item No.	Class or Description of Goods		Rates of Duty		
			Full	Inter- mediate	Prefer- ential
27	Cows, N.O.P.....	ad val. or per animal which- ever is the lesser	30% \$22.50	30% \$22.50	30% \$22.50
162	Tobacco, N.E.S. ....	per lb.	\$0.96	\$0.96	\$0.96

## SCHEDULE B.

No. Item	Goods Class or Description of		Rate
E1405a	Tobacco, N.E.S. ....	per lb.	\$0.76

**AN ACT TO AMEND THE ACT 26 VICTORIA, CHAPTER 5, ENTITLED "AN ACT TO INCORPORATE THE HARBOUR GRACE WATER COMPANY", AND ACTS IN AMENDMENT THEREOF.**

[2nd October, 1942]

**SECTION**

- 1.—Interpretation.
- 2.—Payment of rates; due date and discount; arrears.
- 3.—Appointment of appraisers; their duties, etc.
- 4.—Examination of books; court of revision.
- 5.—Duties of Secretary; collection of rates.
- 6.—Judgment of Magistrate to be final.
- 7.—Confirmation and proof of appraisements.
- 8.—Costs and expenses to be lien upon property.
- 9.—Collection of rates from persons not resident in Hr. Grace.
- 10.—Special appraisements may be made between regular appraisements.

**SECTION**

- 11.—Construction of cisterns, etc.
- 12.—Penalty for obstructing or hindering directors, etc., exercising powers.
- 13.—Penalty for contravention of Secs. 11 and 12 or for failure to pay rates.
- 14.—Collection of arrears.
- 15.—Rates, etc., to be special lien on the property; enforcement of lien.
- 16.—Saving clause.
- 17.—Repeal.
- 18.—Owner may increase rent in certain circumstances.
- 19.—Construction and short title.

First Schedule.  
Second Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

**1.** In this Act "the Company" or "the said Company", <sup>Interpretation.</sup> shall mean the Harbour Grace Water Company now existing under the Act 26 Victoria, Chapter 5.

**2.—(1)** It shall be lawful for the directors of the Company on the written approval of the Commissioner for Public Utilities from time to time to fix, establish and impose such water rates and assessments under this Act as may be necessary for the purposes of this Act of so much per centum on the annual rental value of all buildings along which the pipes of the Company have been

Payment of rates; due date and discount; arrears.

laid and within two hundred yards of such pipes, including therewith the rental value of the land on which the said buildings are erected and all land appurtenant to the said buildings if the same be freehold and the rental value of the said land less the ground rent if the same be leasehold.

(2) The owners of such buildings shall pay such rates and assessments.

(3) Notice of any change in such rates and assessments shall be given by a notice in the Newfoundland Gazette and in a newspaper published in St. John's and by a notice posted on the door of the court house at Harbour Grace.

(4) Such rates and assessments shall become due and payable half-yearly in advance on the first day of January and the first day of July in each year.

(5) If such rates and assessments are unpaid on the 15th day of March or the 15th day of September in the half-year period for which they are due they shall from such 15th day be deemed to be in arrears and shall until paid be subject to simple interest at the rate of four per centum per annum: Provided that no interest shall be payable on arrears owing at the date of passing of this Act.

Appointment  
of appraisers;  
their duties,  
etc.

3.—(1) For the purpose of providing a basis and means by which to fix, establish and impose such rates and assessments, it shall be lawful for the Governor in Commission, from time to time as may be necessary, to appoint one or more appraisers, who shall be sworn before a Justice of the Peace faithfully to discharge the duties of their office; and it shall be the duty of such appraisers to appraise, determine and return the annual rental value of all assessable lands and buildings (hereinafter called

“property”) along which the pipes of the said Company shall have been laid, and within two hundred yards of such pipes, at such time or times as may be deemed necessary by the Governor in Commission; and when such appraisement shall be completed they shall deposit the book or books of such appraisement with the Stipendiary Magistrate resident at or nearest to Harbour Grace or such other person as the Governor in Commission may appoint for such purpose.

(2) Every person being the owner or occupier of any property subject to payment of such rates and assessments or the agent of such owner or occupier shall produce to the appraisers on demand all documents, books, insurance policies and information as the appraisers may require for the purpose of valuing such property for payment of such rates and assessments, under a penalty not exceeding five dollars per day for every day during which such person or such agent refuses to produce such documents, books, insurance policies and information.

(3) Property owned by the Government of Newfoundland, churches, public schoolhouses, and buildings belonging to charitable bodies shall be exempt from payment of such rates and assessments.

(4) In establishing any such rates and assessments regard shall be had not only to the rental value of the premises supplied with water, but also the quantity of water which may be supplied, whether for trading, manufacturing, shipping or other purposes.

4.—(1) Such book or books of appraisement shall be open to the examination of all parties interested therein, and, after the expiration of fourteen days after it or they shall have been so deposited, the said Stipendiary Magistrate shall, at certain times within fourteen days thence following, to be notified in a newspaper published

of books; court  
of revision.

in St. John's and by a notice posted on the door of the court house at Harbour Grace, hear and determine applications for the revision of such appraisement; and it shall be competent for any person therein interested, by a notice in writing to be filed with the said Stipendiary Magistrate and served on the said appraisers or one of them within the fourteen days first mentioned, to object to the amount for which his or her property or interest therein may have been appraised, and the said Stipendiary Magistrate shall hear and determine such objection and shall amend or confirm the appraisement accordingly; and, upon the expiration of the time fixed for such revision, the said appraisement shall be final and binding on all parties until a new appraisement and revision shall have been made.

(2) The rental value upon which such rates and assessments are to be paid shall be held to be the annual rent at which the property might reasonably be expected to be let from year to year, notwithstanding the existence of any lease or agreement to let the same at a greater or lesser sum.

**Duties of  
Secretary; of  
collection of  
rates.**

5. The Secretary of the Company shall be collector, and shall give sufficient security faithfully to discharge the duties of his office as such collector, and shall, after the completion of an appraisement, and as soon thereafter as the directors of the Company shall have ascertained the rates and assessments which the several parties mentioned or interested therein shall be liable to pay, which they are hereby authorized to do, collect from the parties respectively liable in that behalf their rates and assessments; and in case any person so liable shall neglect or refuse to pay such rates and assessments or any arrears of such rates and assessments, the same may without prejudice to the right of the Company under Section 15 of this Act be sued for in a summary manner by a suit before a Stipendiary Magistrate where the

amount of such rates and assessments and arrears does not exceed two hundred dollars and by action in the Supreme Court where the amount of such rates and assessments and arrears exceeds two hundred dollars, to be taken in the name of the Company: Provided that service of process upon the agent of any absent or non-resident defendant shall be service upon the principal, and also that in any action it shall be deemed good service of process upon the defendant if the same be left at the residence of the defendant.

6. Where action is taken before a Stipendiary Magistrate all judgments, orders or proceedings of such Stipendiary Magistrate made or had in such action shall be final and binding upon the parties thereto; and no such action, judgment, or order or proceeding shall be removable by certiorari or otherwise: Provided that in any action for a rate or assessment above forty dollars, it shall be competent for the Stipendiary Magistrate, upon the application of either party, to be made at the hearing, to state a case for the opinion of the Supreme Court upon any question of law arising upon the trial, and the opinion of the Supreme Court shall govern the determination of the Stipendiary Magistrate.

7.—(1) The appraisement already made for the said Company, and any revision thereof and such rates and assessments heretofore fixed, established and imposed by the directors of the Company are hereby confirmed and shall be held and determined and are hereby declared to be legal, valid and obligatory for the fixing, establishing, imposing and recovering of such rates and assessments from the owners of such property; and such rates and assessments shall be payable by all owners referred to in the said appraisement; and the provisions of this Act shall be available and operative for the collection and recovery of such rates and assessments from the persons named or interested in the said appraisement or any revisions thereof.

(2) It shall not be necessary in any proceedings to prove that such rates and assessments were fixed and established subject to the approval of the Governor in Council or that notice of any change in the rates or assessments was given or that the Minute of Council confirming same was laid before the Legislature but the fixing, establishing and changing of such rates and assessments shall be sufficiently proved for all purposes by production of a copy of the resolution of the directors by the Secretary of the Company.

(3) All appraisements at any time heretofore made or hereafter to be made for the Company shall be sufficiently proved for all purposes by production of the book or books of appraisements or of a copy of any entry therein certified by the Secretary of the Company.

(4) All appraisements heretofore made for the Company and all rates and assessments heretofore fixed, established and imposed by the directors of the Company are hereby validated, notwithstanding any error, omission or irregularity in any proceedings:

Provided that nothing in this section shall affect or be construed so as to affect the operation of Chapter 89 of the Consolidated Statutes of Newfoundland (Third Series).

Costs and  
expenses to be  
lien upon  
property.

8. The cost of connecting any property with the water mains or sewerage system of the Company when such work is performed by the Company after the passing of this Act may be sued for in a summary manner by a suit before a Stipendiary Magistrate where the amount of such costs and expenses does not exceed two hundred dollars, or where such amount exceeds two hundred dollars, by action in the Supreme Court, to be taken in the name of the Company, and such costs and expenses until paid shall form a lien upon such property enforceable in accordance with Section 15 of this Act.

**9.** When any person liable to pay such rates and assessments or other moneys payable by virtue of this or any other Act relating to the Company shall reside out of Harbour Grace and shall not have any known agent in Harbour Grace, service of any writ of summons may be made upon the person in possession of the premises in respect of which such rate, assessment or other moneys be payable, or, if no person be in possession, the service of such writ of summons, may be effected by posting a copy of same upon some conspicuous part of the premises in respect of which such rate, assessment or other moneys be payable, and judgment may be entered by default against the person liable for such rate, assessment or other moneys as if such person had been personally served with a writ of summons, and service of any warrant of attachment, distress warrant or other process of execution may be effected in a like manner.

**10.** It shall be lawful for the directors of the Company in the interval between the regular appraisements, to cause special appraisements and returns to be made of the annual rental value of any building newly constructed or extended or improved within two hundred yards of the pipes of the Company: Provided that in all cases of special appraisements under this section the books of appraisement shall be deposited with the Stipendiary Magistrate resident at or nearest to Harbour Grace, and be open to examination and subject to objection in the manner and for the period prescribed by Section 4 of this Act; and after the expiration of the time fixed for such revision, the said appraisement shall be final and binding on all parties until a new appraisement and revision shall be made; and the rental value so appraised shall be and become liable to the rates and assessments then in force under the resolution of the directors of the Company next preceding any such appraisement, which rates and assessments shall be due and payable at the times and in the manner prescribed for

rates and assessments, and the first payment shall become due on the first day of January or July next following any such appraisement, whichever day shall be the earlier.

*Construction of cisterns, etc.*      11. Every cistern, or other receptacle for water, and every closet, soil pan and bath which shall be supplied with water by the Company shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company, or into any pipes connecting or communicating therewith; and the Company shall not be bound to supply water into any cistern, or other receptacle, or water-closet, soil-pan or bath which shall not be so constructed.

*Penalty for obstructing or hindering directors, etc., exercising powers.*      12. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said directors, their manager, contractors, agents or servants, or any person acting under the authority of the Company, in the exercise of any of the powers in this or any other Act relating to the Company conferred upon them, authorized or contained or in any regulations authorized to be made by the Company, or shall do any act in violation of this Act or the said regulations; or if any person shall wilfully or maliciously put out of order, injure or destroy any pipe, hydrant or any other work or material of the Company such person shall, on conviction thereof before a Stipendiary Magistrate be liable to a fine not exceeding forty dollars and upon the order of such Magistrate to pay a sum equal to the amount of damage so occasioned by him, which shall be paid to the Company and applied to its purposes. In default of payment such person shall be liable to imprisonment for a period not exceeding ninety days; and it shall be lawful for any person who may witness the

commission of such offence to apprehend without warrant and for any other person to assist in apprehending such offender, and to convey him before a Stipendiary Magistrate to be dealt with in manner aforesaid.

**13.** If any person supplied with water by the Company wrongfully does, or causes, or permits to be done, anything in contravention of any of the provisions of the last two preceding sections; or of the regulations aforesaid, or wrongfully fails to do anything which, under either of the said last two preceding sections or the said regulations, ought to be done for the prevention of waste, misuse, undue consumption or contamination of the water of the Company, or fails to pay to the Company all rates and assessments due by him within thirty days of the date on which the same shall have become due and payable, the said Company may, without prejudice to any remedy against him or his property in respect thereof, cut off any of the pipes from the Company's mains by or through which water is supplied by the said Company to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, or so long as such rates and assessments are unpaid, anything contained in this or any other Act relating to the Company to the contrary notwithstanding: Provided that in case of non-payment of such rates and assessments the Company shall give fourteen days notice of its intention so to cut off the water supply.

**14.** The Secretary of the Company shall collect all arrears of rates, assessments and other moneys payable to the Company at the date of passing of this Act and may sue for the same before a Stipendiary Magistrate where the amount of such arrears does not exceed two hundred dollars and by action in the Supreme Court where such amount exceeds two hundred dollars, such suit or action to be taken in the name of the Company: Provided that the directors shall have power to settle

Penalty for  
contravention  
of Sees. 11 and  
12 or for  
failure to pay  
rates.

Collection of  
arrears.

any claim for arrears for such amount as they see fit subject to the approval of the Commissioner for Public Utilities.

Rates, etc., to  
be special lien  
on the  
property;  
enforcement of  
lien.

**15.**—(1) All rates, assessments and other moneys imposed upon and hereafter becoming payable by any person by virtue of the provisions of this Act shall be a special lien on the property in respect of which the same are imposed in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of the Company or any officer or servant of the Company or by want of registration and shall attach to and upon the said property whether in the hands of such person or in the hands of any other person to whom the said property may come by conveyance, foreclosure, devolution at law, or otherwise howsoever, and any such last mentioned person shall upon the property coming to him become and continue liable for the same, without prejudice however to the liability of the person who owned the same at the time of such conveyance, foreclosure or devolution: Provided always that nothing herein contained shall require such rates, assessments or other moneys to be paid more than once.

(2) The Secretary of the Company shall upon demand furnish to any actual or proposing purchaser or mortgagee of any property, or to any solicitor, a certificate stating the total indebtedness, if any, due and accrued up to the date of the certificate and then unpaid in respect of such property, which certificate shall as between the Company and a purchaser or mortgagee and his assigns be conclusive as to the amount of such indebtedness to the Company at the date of such certificate.

(3) All rates, assessments or other moneys due the Company by any person shall on insolvency of such per-

son be a preferential claim next after moneys due the Crown.

(4) It shall be deemed to be a condition of all mortgages of real property within Harbour Grace whether heretofore or hereafter made that the mortgagee may pay any amount owing to the Company and unpaid in respect of the mortgaged property and add such amount to his security, any clause or condition in any such mortgage contained to the contrary notwithstanding.

(5) For the purpose of enforcing the lien or charge in favour of the Company given by subsection (1) of this section the Company shall after first obtaining the written consent of the Commissioner for Public Utilities be entitled to sell the property for taxes in manner hereinafter in this section appearing notwithstanding the existence of any dispute concerning ownership of such property and notwithstanding the absence from Harbour Grace of the owner or persons interested in such property, and where such property is part of the estate of a deceased person notwithstanding the fact that no executor or administrator has been appointed.

(6) Before proceeding to exercise the power of sale by this section granted the Company shall cause a notice in the form contained in the Schedule hereto to be posted upon the door of the court house at Harbour Grace and inserted once a week for two consecutive weeks in a daily newspaper published in St. John's.

(7) The Secretary of the Company is hereby authorized and empowered to act as auctioneer for the purpose of conducting any sale under this Act.

(8) If the arrears owing be paid to the Secretary of the Company before the time fixed for such sale then the

sale shall not take place and neither the Secretary nor the Company shall be under any liability to any person in respect of the cancellation of such sale either for expense incurred by any person in attending for the sale or otherwise.

(9) The upset price at the sale shall be a sum sufficient to discharge the lien of the Company up to the date of the sale and the legitimate costs and expenses of the sale and the conveyance to the purchaser, and if within one hour from the time set by the advertisement for the sale to take place no bidder appears who is willing to pay as much as the said upset price the Company may purchase the property at such upset price, but otherwise the property shall be knocked down to the highest bidder.

(10) If no bidder appears at the sale, and the Company elects not to buy, the auctioneer may adjourn the sale for a period not exceeding two weeks, in which case the adjourned sale shall be advertised again as before, and the adjourned sale shall be conducted in the same manner as the original sale, save that no further adjournment shall be permitted.

(11) If the purchaser fails to pay the purchase money immediately the property may be put up for sale again upon such notice given as the Company sees fit.

(12) The purchaser at any such sale (other than the Company) shall upon completion of the purchase be entitled free of charge to a conveyance to him from the Company, the effect of which shall be to vest the title to the property in him free from all encumbrances and claims whatsoever.

(13) If the Company becomes the purchaser at any such sale the auctioneer shall make a written certificate

signed by him and certifying to the purchase, and the directors of the Company shall by resolution confirm such purchase and cause a copy of such resolution, certified under the seal of the Company, to be registered in the Registry of Deeds whereupon the title to such property shall vest in the Company free from all encumbrances and claims whatsoever. The Company shall be entitled to hold such property and sell or lease same and build upon any lands so acquired.

(14) Notwithstanding any error, irregularity, act or omission on the part of the Company, its officers or servants in connection with the procedure followed in such sale, the title of the purchaser at such sale shall be unimpeachable.

**16.** Nothing in this Act shall be construed so as to ~~saving clause.~~ affect the validity of anything done or proceeding had before the passing of this Act under the Acts or any of them relating to the Company.

**17.** The Acts mentioned in the Second Schedule hereto ~~Repeal.~~ are hereby repealed to the extent set forth in the third column thereof.

**18.** Notwithstanding anything contained in the De-Owner may fence (Rent Restrictions) Regulations 1941, where after <sup>increase rent in certain circumstances.</sup> the passing of this Act any additional portion of the water rate or assessment imposed upon any building shall be payable by the owner thereof which previous to the passing of this Act was payable by the occupier or tenant of the said building, then in such case the owner shall be entitled to increase the rent payable to him by the said occupier or tenant by an amount equivalent to the additional portion of the water rate or assessment payable by him.

**Construction and short title.** 19. This Act shall be read in conjunction with the Act 26 Victoria, Chapter 5, and Acts in amendment thereof, and may be cited together therewith as The Harbour Grace Water Company Acts, 1863-1942.

## First Schedule

## FIRST SCHEDULE

Take notice that on.....the.....day of .....194...at 11 o'clock in the forenoon at the office of the Harbour Grace Water Company **ALL THAT** piece or parcel of land situate on the.....side of.....Street and bounded on the North by.....by which it measures.....feet more or less, on the South by.....by which it measures.....feet more or less, on the East by.....by which it measures.....feet more or less and on the West by.....by which it measures.....feet more or less **TOGETHER WITH** all buildings and erections thereon, at present standing in the books of the Harbour Grace Water Company in the name of....., will be offered for sale by PUBLIC AUCTION under the provisions of the Harbour Grace Water Company Acts, 1863-1942, to satisfy \$.....being (here state whether arrears of rates and assessment or other moneys, as the case may be) owing to the Company and cost and expenses of sale, unless the said arrears be sooner paid.

Dated the.....day of.....A.D. 194..

SECRETARY OF THE HARBOUR GRACE WATER CO.

**SECOND SCHEDULE**

Second  
 Schedule.

Session or Chapter	Title or Short Title	Extent of Repeal
1. 26 Vic. Cap. 5.	An Act to Incorporate the Harbour Grace Water Company.	Sections 15, 19 and 20
2. 27 Vic. Cap. 4.	An Act for the Amendment of the General Water Company Acts, and also of the Act for the Incorporation of the Harbour Grace Water Company.	The Whole Act.
3. 33 Vic. Cap. 6.	An Act to Amend an Act passed in the Twenty - seventh year of the reign of Her present Majesty, entitled "An Act for the Amendment of the General Water Company Acts, and also of the Act for the Incorporation of the Harbour Grace Water Company."	Section 5.
4. 34 Vic. Cap. 8.	An Act to Amend an Act passed in the Thirty-third year of the reign of Her present Majesty, entitled "An Act to Amend an Act passed in the Twenty - seventh year of the reign of Her present Majesty, entitled "An Act for the Amendment of the General Water Company Acts, and also of the Act for the Incorporation	Section 3.

**SECOND SCHEDULE—(Continued)**

Session or Chapter	Extent of Repeal      Title or Short Title
5. 50 Vic. Cap. 17.	of the Harbour Grace Water Com- pany.''

## AN ACT RESPECTING SCHOOL ATTENDANCE

[29th August, 1942]

## SECTION

- 1.—Interpretation.
- 2.—Registration of pupils.
- 3.—Duty to enroll a child at a school.
- 4.—Compulsory attendance at school of enrollment.
- 5.—Obligations of Act extend to parents and others.
- 6.—Exceptions from attendance at school.
- 7.—Exceptions from enrollment at school.
- 8.—Employment of children to which the Act applies forbidden.
- 9.—Report of defaulters.
- 10.—Enforcement by officers.

## SECTION

- 11.—Penalty for default after notice.
- 12.—Bond for compliance with Act.
- 13.—Powers of enforcement officers.
- 14.—Presumption as to age.
- 15.—Prevention of child from attending school or of other compliance with Act.
- 16.—School fees not to be charged.
- 17.—Date of coming into effect.
- 18.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1942.  
of the Commission of Government, as follows:

## 1.—(1) In this Act—

Interpretation.

(a) "Commissioner" shall mean the Commissioner for Home Affairs and Education.

(b) "principal" shall mean the chief teacher of a public school or where there is only one teacher shall mean such teacher.

(2) In this Act, unless the context otherwise requires, any words and expressions defined by the Education Act, 1927, shall have the meaning in the said Act assigned to them.

(3) Officials appointed under the provisions of the Education Act, 1927, and Acts in amendment thereof, are referred to in this Act by their name of office as designated by the said Acts.

Registration of pupils.

2. Every principal of a public school shall keep a roll whereon shall be recorded the names of all children under the age of fourteen years who have been accepted as pupils for attendance at such school.

Duty to enroll a child at a school.

3.—(1) Unless excused for any of the reasons herein-after set forth every person having the care of a child which at the date of the coming into effect of this Act has attained the age of seven years and has not attained the age of fourteen years shall within one month of the date of coming into effect of this Act present such child for enrollment at a school of such person's selection.

(2) Unless excused for any of the reasons hereinafter set forth every person having the care of a child which attains the age of seven years after the coming into effect of this Act shall on or before the date when the child attains such age present such child for enrollment at a school of such person's selection.

(3) Unless excused for any of the reasons hereinafter set forth every person having the care of a child which takes up residence in Newfoundland after the coming into effect of this Act and which has attained the age of seven years and has not attained the age of fourteen years, shall present such child for enrollment at a school of such person's selection within one month of taking up residence in Newfoundland.

(4) If any person having the care of a child and having enrolled such child for attendance at a school shall propose to send the child to another school then such person shall notify the principal of the school at which the child is enrolled to cancel his enrollment and shall forthwith enroll the child at another school.

(5) If any person shall fail to comply with the provisions of this section he shall be guilty of an offence and liable upon summary conviction to a penalty not exceed-

ing five dollars for every day during which he continues in default.

4. Every person having the care of a child over seven and under fourteen years of age shall, unless excused for any of the reasons hereinafter mentioned, cause such child to attend the school at which the child is for the time being enrolled for the full school term or terms during which such school is open.

5. The obligations imposed by this Act upon a person having the care of a child shall apply to both parents of the child and in addition when the child is in the care or legal custody of some person other than his parents shall apply to such person.

6. No person shall be liable to any penalty imposed by this Act for failure to send a child to school if—

Exceptions from attendance at school.

- (a) the supervisor or the chairman of a board of education for the district in which the child resides has certified that the child is under continuous and efficient instruction at home or elsewhere provided that no such certificate given shall be valid for a longer period than six months; or
- (b) the court by whom the complaint is heard is satisfied that the child is under continuous and efficient instruction at home or elsewhere; or
- (c) the child is unable to attend school by reason of sickness or other unavoidable cause; or
- (d) the services of any child are required for urgent and necessary duties for the maintenance of himself or of some person dependent upon him, in which case the Commissioner or any person appointed by him may upon enquiry and upon application in writing being made by the parent or person having

the care of such child issue a certificate setting forth the reasons therefor and excusing the child from attendance at school while such necessity exists but not exceeding such period as shall be set out in the certificate; or

(e) the child is not enrolled at any school and the person having the care of the child is excused from the obligation to enroll the child under the provisions of this Act hereinafter contained.

**Exceptions  
from  
enrollment at  
school**

7. No person shall be liable to any penalty imposed by this Act for failure to enroll a child at any school if—

(a) he is exempt from the obligation to cause the child to attend school under the provisions of paragraph (a), paragraph (c) or paragraph (d) of the previous section;

(b) such person is unable to have the child enrolled at the school of his selection because there is insufficient accommodation for the child at such school;

(c) the child is under ten years of age and the nearest school of the religious denomination to which the child belongs is more than one and a half miles distant from his home or in the case of a child of any age if the nearest school of the religious denomination to which the child belongs is more than two miles distant from his home;

(d) a board of education for the district in which the child resides has certified that because of difficulties of travel or otherwise the child should be excused from enrollment.

8. No child under the age of fourteen years who is not excused from enrollment at a school under the provisions of this Act shall be employed for remuneration during school hours on any day during which the schools in the district in which the child resides are open, and any person who employs a child in contravention of this section shall be guilty of an offence and liable on summary conviction to a penalty not exceeding twenty dollars for every day during which any such child is employed and in default of payment to imprisonment not exceeding six months.

9. The principal of every school shall furnish to the Commissioner or to such person or persons as he shall appoint a report in writing certified by the chairman or some other member of the board of education having control of such school or a duly appointed representative of the said board, on the last day of each month in the school year and at such other times as he deems advisable, setting forth the name, age and residence of every child who has been enrolled for attendance at such school in accordance with the provisions of Section 2 hereof and who has failed to attend school on any day in the period covered by such report together with the reasons for such failure to attend if known to such teacher and shall in addition furnish such other information to the Commissioner or to a person appointed by him as may be required for the enforcement of this Act.

10.—(1) It shall be the duty of all magistrates, police constables, rangers and other officials named for this purpose by the Commissioner to examine into all cases of failure to enroll a child for attendance at school or failure to cause a child to attend school contrary to the provisions of this Act which come within their knowledge or which may be brought to their attention and if it shall be established that there is an apparent violation of this Act to serve notice upon the person having the care of the child of such apparent violation requiring such person to comply with the provisions of the Act forthwith.

(2) The notice to be sent under the previous subsection shall be in a form approved by the Commissioner and shall allow the party notified not less than five days in which to comply therewith.

**Penalty for  
default after  
notice.**

**11.**—(1) If any person having the care of a child over the age of seven and under the age of fourteen years after receiving notice as provided in the previous section of this Act neglects or refuses to cause such child to attend school and continue in regular attendance thereat he shall, unless the child is excused from attendance as provided by this Act be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars for each such offence.

(2) If any person has been served with the warning notice hereinbefore prescribed it shall not be necessary within twelve months thereafter to serve such person with any other notice because of any further non-compliance with the provisions of this Act and whenever such person within the said period of twelve months fails to cause the same child or any other child of whom he has the care or control to attend school and continue in regular attendance thereat as required by this Act such person shall be liable to prosecution and subject to the penalties imposed under this section in like manner as if he had been served with a warning notice in every case.

(3) The notice provided for in this section may be served by registered letter delivered at any post office and addressed to the person having the care of the child at the post office situate nearest to the place of residence of such person.

(4) A school register the entries on which show the absence from school of any child shall be admissible in evidence as bona fide proof of such absence.

**Bond for  
compliance  
with Act.**

**12.** A court of summary jurisdiction may instead of or in addition to imposing a penalty under this section

require a person convicted of an offence hereunder to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by such court, conditioned that the person convicted shall after the expiration of five days cause the child to attend school as required by this Act.

**13.**—(1) Any police constable or ranger and any person appointed by the Commissioner for the enforcement of this Act shall have the right to send a child suspected of truancy either home or to school and to accompany him thereto if deemed necessary.

(2) Every police constable and ranger and other person appointed for the enforcement of this Act shall for the purposes of this Act have authority to enter any place of public amusement or entertainment and factories, workshops, stores, shops and other places where children may be employed or congregate.

**14.** Where a person is charged with an offence under this Act with respect to a child who is alleged to be over the age of seven and under the age of fourteen years and the child appears to the court to be within such limits of age the child shall be deemed to be within such limits unless the contrary is proved.

**15.** Any person who by threat, intimidation or otherwise prevents or attempts to prevent the attendance of a child at a school in accordance with the provisions of this Act or who in any other way interferes or attempts to interfere with the carrying out of the provisions of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each offence.

**16.** A board of education shall not charge or permit to be charged in any public school under its control any fee in respect of any pupil who is enrolled for attend-

ance or who is attending such school and who has not attained the age of fourteen years or in respect of any pupil who has attained the age of fourteen years but has not reached Grade IX of the Curriculum: Provided that nothing herein contained shall prevent boards of education from soliciting and receiving contributions for the upkeep of any school from any source if the making of a contribution is not made a condition of the provision of education for any child.

**Date of coming into effect.** **17.** This Act shall come into effect on the first day of September, 1942.

**Short title.** **18.** This Act may be cited as the School Attendance Act, 1942.

AN ACT RELATING TO AN EXPORT LEVY UPON  
SEALSKINS AND CERTAIN FISHERY PRODUCTS

[16th September, 1942]

SECTION

1.—Levy on export.  
2.—Disposal of sums received.

SECTION

3.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1.—(1) There shall be paid by every exporter upon all Levy on  
exports between the date of the passing of this Act and export.  
the first day of July, 1943, of salted sealskins and of  
salted or pickled fish of the types hereinafter specified,  
the following:—

- (a) the sum of five cents for every salted sealskin, and
- (b) the sum of twenty cents for every barrel containing  
from two hundred to two hundred and fifty pounds  
nett of salted or pickled herring, mackerel, salmon  
or turbot, and
- (c) the sum of ten cents for every half-barrel contain-  
ing from one hundred to one hundred and twenty-  
five pounds nett of salted or pickled herring,  
mackerel, salmon or turbot, and
- (d) the sum of ten cents for every one hundred pounds  
and so in proportion for any greater or less quanti-  
ty of salted or pickled herring, mackerel, sal-  
mon or turbot exported in bulk or in containers  
other than those of the capacities hereinbefore re-  
ferred to.

(2) The sums set forth in subsection (1) of this section  
shall be paid by the exporter, who exports such sealskins

or such fish, to the Collector of Customs at the port of exportation and prior to the exportation thereof and unless such payment is made in full by the exporter at the time of lodging the relevant export entry for such sealskins or such fish the Collector of Customs shall refuse to accept such entry.

**Disposal of  
sums received.**

**2.** There shall be paid to the Commissioner for Natural Resources from moneys provided by the Commission of Government amounts equivalent to the sums received from payments by exporters under Section 1 of this Act, and the said Commissioner shall apply such amounts, subject to the approval of the Governor in Commission, to any arrangement which may exist at the date of passing of this Act or which may be made thereafter for the assistance of the fishing industry generally or particularly.

**Short title.**

**3.** This Act may be cited as The SealSkin and Fishery Products Levy Act, 1942.

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## AN ACT TO AMEND THE SHOPS ACT, 1940.

[19th September, 1942]

## SECTION

1.—Repeal and substitution  
Sec. 4.  
2.—Repeal and substitution  
Sec. 5.  
3.—Repeal and substitution  
Sec. 7.  
4.—Amdt. Sec. 8.

## SECTION

5.—Repeal and substitution  
Sec. 11.  
6.—Amdt. Sec. 12  
7.—Repeal and substitution  
Sec. 13.  
8.—Repeal and substitution  
Sec. 14.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. Section 4 of The Shops Act, 1940 is hereby repealed Repeal and  
substitution  
Sec. 4.  
and the following is substituted therefor:—

4.—(1) Before any area shall be declared a shop-closing area the Commissioner shall give fourteen days notice by advertisement in newspapers circulating in the locality, or by such other means as he may consider adequate of his intention to move the Governor in Commission so to declare it, together with an intimation that any observations or objections may be sent to him at a stated address; and the like notice and intimation shall be given of his intention to move the Governor in Commission to order any variation in the application of any of the provisions of Sections 7 and 8 of this Act or of Schedule A thereof to such area or any part thereof. Such notices may be given either together or separately as the Commissioner may think fit.

(2) All orders made by the Governor in Commission shall be published in the Newfoundland Gazette and in a newspaper published or circulating in the area to which the order applies, and shall take effect from the date therein stated or, if none be stated, then from the date of publication.

**Repeal and  
substitution  
Sec. 5.**

2. Section 5 of the said Act is hereby repealed and the following is substituted therefor:

5. Any shop which has as its main object the carrying on of any one or more of the trades or businesses set forth in Schedule B to this Act shall be exempt from the provisions of this Act, except Sections 8, 9, 10, 11, 13 and 14.

**Repeal and  
substitution  
Sec. 7.**

3. Section 7 of the said Act is hereby repealed and the following is substituted therefor:

7.—(1) Save as hereinafter provided:—

(a) No assistant shall be employed in any shop to which this Act applies in any week for more than fifty-four working hours in the aggregate exclusive of the periods of relief from duty provided under Section 8 hereof.

(b) Except during the Christmas period, no assistant who is under the age of eighteen years or is a female shall be employed in any shop during any day for more than eight working hours, exclusive of the periods of relief from duty provided under Section 8 hereof: Provided that on days for which the hours of opening extend beyond 6 p.m. it shall be lawful, subject to the provisions of Section 8 hereof, for any such assistant to be employed in any shop until the end of the hours of opening.

(2) During the Christmas period the maximum number of working hours per week for assistants who are under the age of eighteen years or are females shall be sixty hours and for other assistants sixty-six hours.

(3) In the case of a broken part of a week immediately preceding or following the Christmas period the maximum number of working hours for assistants who are under the age of eighteen years or are females, and for

other assistants shall be in the same proportion to forty-eight and fifty-four respectively as the number of days in such broken part of a week is to six.

(4) Nothing in this Act contained shall make it unlawful for assistants to be employed in any shop for a greater number of working hours than hereinbefore limited if such compensation as shall have been fixed by agreement between the employer and any assistants concerned shall be paid by such employer to such assistants in respect of such extra services: Provided that this section shall not extend the opening hours of shops set forth in Schedule A to this Act.

(5) Notwithstanding anything contained in the foregoing provisions of this section, the Governor in Commission may by order made and published as prescribed in Section 4 of this Act vary the hours set forth in this section, in respect of any area or part thereof.

4. Section 8 of the said Act is hereby amended by adding thereto the following as subsection (4) thereof: Amdt. Sec. 8.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Governor in Commission may by order made and published as prescribed in Section 4 of this Act vary the hours set forth in this section, in respect of any area or part thereof.

5. Section 11 of the said Act is hereby repealed and the following is substituted therefor: Repeal and substitution Sec. 11.

**11. If any person shall be charged with:**

- (a) having a shop open outside the permitted hours; or
- (b) selling goods in contravention of Section 13 of this Act;

the Court before which such charge is heard may dismiss the same if such Court is satisfied that the person so charged had reasonable grounds to believe that any article supplied or to be supplied was required by reason of a case of illness or death.

**Amdt. Sec. 12.** 6. Section 12 of the said Act is hereby amended by striking out the full stop at the end thereof inserting a comma and adding thereafter the following words:

“or for the purpose of supplying necessaries in exceptional cases.”

**Repeal and substitution  
Sec. 13.**

7. Section 13 of the said Act is hereby repealed and the following is substituted therefor:

#### Offences and Penalties

13.—(1) No goods other than those of the classes set forth in Schedule B to this Act shall be sold in or from any shop to which Section 5 of this Act applies during any day except during the hours of opening for that day set forth in Schedule A to this Act.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be liable on summary conviction upon the complaint of any person to the following penalties:

(a) In the case of the first offence, a fine not exceeding twenty-five dollars and in default of payment to imprisonment not exceeding seven days.

(b) In the case of a subsequent offence committed within two years of a former offence, a fine not exceeding one hundred dollars and in default of payment imprisonment not exceeding three months.

**Repeal and substitution  
Sec. 14.**

8. Section 14 of the said Act is hereby repealed and the following is substituted therefor:

14.—(1) The occupier of any shop who contravenes any of the provisions of this Act where no specific penalty is mentioned for such contravention shall be liable on summary conviction upon the complaint of any person to the following penalties:

- (a) In the case of the first offence, a fine not exceeding twenty-five dollars and in default of payment imprisonment not exceeding seven days.
- (b) In the case of a second offence, a fine not exceeding fifty dollars and in default of payment imprisonment not exceeding one month.
- (c) In the case of a third or subsequent offence, a fine not exceeding one hundred dollars and in default of payment imprisonment not exceeding three months.

(2) Where an offence for which the occupier of a shop is liable under this Act has been committed by a manager, agent, servant or other person, such manager, agent, servant or other person shall be liable to the like penalty as if he were the occupier.

(3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, he proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Act, and that such other person has committed the offence in question without his knowledge, consent, or connivance, such other person may be summarily convicted of such offence and the owner shall be exempt from any penalty.

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AN ACT TO APPROVE AND GIVE STATUTORY EFFECT TO AN AGREEMENT BETWEEN THE GOVERNMENT AND BOWATER'S NEWFOUNDLAND PULP AND PAPER MILLS LIMITED.

[9th October, 1942]

SECTION

- 1.—Confirmation of Agreement forming the Schedule to this Act.
- 2.—Provisions of Agreement to have Statutory effect.

SECTION

- 3.—Statutory power to parties in respect of matters in Agreement.
- 4.—Government may invest in portion of Loan.
- 5.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:—

Confirmation of  
Agreement  
forming the  
Schedule to  
this Act.

1. The Agreement made between His Excellency Sir Humphrey Thomas Walwyn, K.C.S.I., K.C.M.G., C.B., D.S.O., Governor of Newfoundland and its Dependencies in Commission of the one part and Bowater's Newfoundland Pulp and Paper Mills Limited, a Company incorporated under the laws of Newfoundland and having its registered office at Corner Brook in the Island of Newfoundland of the other part, dated the Ninth day of October, A.D. 1942, and forming the Schedule to this Act is hereby approved and confirmed and declared to be valid and binding upon the parties thereto.

Provisions of  
Agreement to  
have Statutory  
effect.

2. All and singular the several clauses and provisions of the said Agreement set forth in the Schedule hereto are hereby declared to have the force and effect of law for all purposes as if expressly enacted herein.

Statutory  
power to  
parties in  
respect of  
matters in  
Agreement.

3. The parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters, things and agreements in and by the said Schedule provided to be done or not to be done, as the case may be, in the manner and with the effect and under

the conditions stipulated and provided in the said Schedule.

4. It shall be lawful for the Commissioner for Finance ~~Government~~ when so authorized by the Governor in Commission, to ~~may invest~~ subscribe for and take up on behalf of the ~~Government~~ <sup>in portion</sup> ~~of Loan.~~ of Newfoundland, a proportion of the Conversion Loan to be issued by Bowater's Newfoundland Pulp and Paper Mills Limited as set out in the Agreement forming the Schedule hereto, but not exceeding Two hundred and seventeen thousand two hundred pounds (£217,200.).

5. This Act may be cited as Bowater's Conversion Loan ~~short title.~~ Guarantee Act, 1942.

**SCHEDULE**

THIS AGREEMENT made the Ninth day of October Anno Domini One thousand nine hundred and forty-two BETWEEN His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn,

(L.S.) (Sgd.) Humphrey Walwyn, K.C.S.I., K.C.M.G., C.B., D.S.O., Governor of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part

(Sgd.) L. E. Emerson,  
H. M. Attorney General.

AND Bowater's Newfoundland Pulp and Paper Mills Limited a Company registered under the Companies Act of Newfoundland (hereinafter called "the Company") of the other part.

WHEREAS pursuant to the provisions of the Act 14 George V, Chapter 1, and the agreement set out in Part 1 of the Schedule to the said Act, the Government has guaranteed a loan to the face value of two million pounds (£2,000,000) raised by Newfoundland Power and Paper Company, Limited, (hereinafter referred to as the Old Company) by the issue of a series of mortgage debentures or debenture stock (in the said agreement and herein-after referred to as "B" debentures) secured by a Trust Deed as referred to in the said Act;

AND WHEREAS International Paper Company of Newfoundland Limited, a Company registered under the Companies Act of Newfoundland, acquired the property and assets of the Old Company and under the provisions of the Act 18 George V, Chapter 4, and of the agreement set out in the Schedule thereto, the repayment of the said

loan became the obligation of the said International Paper Company of Newfoundland Limited;

AND WHEREAS the name of International Paper Company of Newfoundland Limited was changed to International Power and Paper Company of Newfoundland Limited and such name was again changed to Bowater's Newfoundland Pulp and Paper Mills Limited;

AND WHEREAS the Company proposes to raise another loan (hereinafter referred to as the Conversion Loan) for the purpose of providing for the redemption of the unredeemed balance of the first mentioned loan, in the amount of One million, seven hundred and seventy-seven thousand, two hundred pounds sterling and have requested the Government to guarantee the Conversion Loan upon conditions substantially the same as the guarantee of the first mentioned loan;

NOW THIS AGREEMENT WITNESSETH:

1.—(1) As security for the Conversion Loan the Company will create and issue a series of mortgage debentures or debenture stock (hereinafter called "B" debentures) to the face value of £1,777,200 secured by a Trust Deed containing a specific mortgage and a floating charge on the same properties as are comprised in or affected by and ranking in the same manner as the mortgage and charge created by the Trust Deed dated August 17th, 1923, and deeds of trust supplemental thereto securing the first mentioned loan.

(2) The price and terms of the issue of the "B" debentures having been settled by consultation with the Government, the said debentures and Trust Deed and any local mortgages supplemental thereto, shall be in such form and shall contain such provisions as may be required by the Government, and shall be subject in all things to the approval of the Government. The Trustees

of the said Deed shall be The Law Debenture Corporation Limited.

2. The "B" debentures securing the Conversion Loan shall be repayable by means of an annual cumulative sinking fund calculated to redeem the whole of such debentures on or before the 15th day of January, 1970. The sinking fund shall be applied in the purchase in the market or by tender or private contract of "B" debentures when the price thereof (including the expenses of purchase) does not exceed par or in the redemption at par of "B" debentures in sums of £100 to be selected by drawings. Power will be reserved to the Company to purchase in the market or by tender or private contract any of the "B" debentures at or under par (including the expenses of purchase) and to credit any money so applied in or towards satisfaction of the monies which would otherwise have been liable to have been carried to the credit of the sinking fund at any subsequent date or dates. "B" debentures so purchased shall be cancelled forthwith. Power will also be reserved to the Company to redeem the "B" debentures outstanding or any part or parts thereof at par on the 15th day of January, 1960, or on any half yearly interest date thereafter upon giving not less than three calendar months previous notice in writing to the debenture holders whose debentures are to be redeemed. Any "B" debentures not previously redeemed will be repaid at par on the 15th day of January, 1970. The "B" debentures shall bear interest at a rate not exceeding three and one-half per centum per annum. The "B" debentures will be transferable free of transfer duty, which will be borne by the Company.

3.—(1) The Government will guarantee the due payment by the Company of the principal and interest of the "B" debentures.

(2) The following form of guarantee shall be endorsed on all certificates issued in respect of the Conversion

Loan which guarantee shall be signed on behalf of the Government by a person or persons to be nominated in writing in that behalf, from time to time, by the Government and every such signature may be engraved, lithographed or otherwise reproduced upon the certificates:—

### **GUARANTEE**

Pursuant to the Bowater's Conversion Loan Guarantee Act, 1942, the Government of Newfoundland, hereby unconditionally guarantees to the holder of the within debenture stock, the payment on the respective due dates, of the principal monies and interest to become due in respect thereof.

4. So long as the Government remains under any liability in respect of its guarantee of "B" debentures or any money remains owing to the Government by the Company in respect of said guarantee, the Company will at all times keep such of its property or assets as are of an insurable nature, properly insured against loss or damage by fire with first-class insurance offices or with Lloyds in such sums or amounts as may from time to time be approved by the Government.

5. The Company will, so long as the Government remains under any liability in connection with its said guarantee or any moneys due to the Government in respect of said guarantee remain unpaid, keep up its liquid assets including stock in trade (taken at cost) and its good book debts, after deducting current trade liabilities and its cash in hand and at bankers, to a value of not less than \$500,000, and the Company shall in every month of January and July furnish to the Government Directors hereinafter mentioned a report certified by the Company's auditors showing the amount and value of the Company's liquid assets, including stock in trade (taken at cost) good book debts, after deducting current trade liabilities and cash in hand and at bankers as on the last day of the

preceding month, and once in every twelve calendar months such report shall be founded upon an actual stocktaking.

6. The Company hereby covenants with the Government that it will duly observe and perform all the terms of the "B" debentures and of the Trust Deed securing the same unless the said debentures or Trust Deed shall be modified and if the same shall be modified then as so modified, and that it will not commit or suffer to be committed any breach thereof or without the written approval of the Government assent to any modification thereof and in particular that the Company will duly and punctually pay all principal moneys, interest, sinking fund payments and other moneys, if any, payable in respect of the "B" debentures unless modified as aforesaid and if so modified then as so modified and keep the Government indemnified against all liability under or arising out of its said guarantee.

7. The Company hereby covenants with the Government that, so long as the Government remains under any obligation in respect of the said guarantee and so long as any money remains due to the Government by the Company in respect of said guarantee, the Company will appoint and remove, as the Government shall from time to time request, two persons named by the Government to be Directors of the Company (herein called "the Government Directors"). The Government Directors shall not require any qualification nor be subject to retirement by rotation during the currency of the Government guarantee or while any money remains owing by the Company to the Government, and they shall be paid by the Company such reasonable fees not in excess of those heretofore paid by the Company, as the Government may from time to time require. The Directors of the Company may include a Director or Directors nominated from time to time by the Commissioners of His Majesty's Treasury in England and such last mentioned Director or Directors shall not require any qualification nor be subject to re-

tirement by rotation during the currency of the guarantee of the "A" debentures made by said Commissioners.

8. The Company hereby covenants with the Government that it will not at any time so long as the Government remains under any liability in connection with its said guarantee or any moneys due to the Government in respect of the said guarantee remain unpaid, create or issue or be party to or allow to be created or issued any mortgage debentures, debenture stock or other charges or securities of any kind, ranking in priority to or pari passu with the "B" debentures except the First Mortgage Debenture Stock or First Mortgage Bonds of the Company referred to in sub-paragraph (6) of paragraph (a) of Clause 4 of the Agreement set out in the Schedule to the Act 18 George V, Chapter 4, and except the debenture stock having such priority as referred to in the Act No. 42 of 1935 and except for the limited purposes specified in the Trust Deed securing the "B" debentures.

9. The Company hereby covenants with the Government that it will give and so far as it lies in its power procure to be given to the Government and the Government Directors or other Government representatives all such information with regard to, and all such facilities for inspecting the books, accounts, documents, reports, estimates and records of the Company or its properties, assets and business as they or any of them may from time to time reasonably require. If any such information or facilities be denied or withheld, the Government or either the Government Directors may apply to a Judge of the Supreme Court for an order that the same be given; which order upon due proof of the facts shall be made and in case the said order shall not be obeyed the Company shall be subject to such penalties or remedies as are available for the enforcement of any other order of the Supreme Court.

10. Upon any sums paid by the Government in pursuance of its said guarantee the Company shall pay to

the Government interest at the same rate as that payable by the Company in respect of the "B" debentures and such interest shall be payable quarterly and so far as such interest is not paid on the due date the same shall be deemed to have been added to the principal (but without prejudice to the right of the Government to demand payment) and shall accordingly carry interest at the said rate.

11. So long as the Government remains under any liability in respect of its guarantee of the "B" debentures or any money remains owing to the Government in respect of said guarantee, no dividends shall be paid on the common share capital of the Company until the Company has accumulated out of profits and invested as below mentioned a Special Debenture Reserve amounting to two million five hundred thousand dollars (\$2,500,000.00) and if at any time the Special Debenture Reserve falls below two million five hundred thousand dollars (\$2,500,000.00) no dividend shall be paid on the common share capital of the Company until the said reserve has been restored to two million five hundred thousand dollars (\$2,500,000.00) The Special Debenture Reserve shall be invested in additional property in Newfoundland or working capital or otherwise as the Company shall determine.

12. Anything in sub-paragraph (6) of paragraph (a) of Clause 4 of the Agreement scheduled to the Act 18 George V, Chapter 4, to the contrary notwithstanding—

- (a) The Company may not create First Mortgage Debenture Stock or First Mortgage Bonds in an amount exceeding £3,000,000, or its equivalent at par of exchange in dollars of Newfoundland, Canada or the United States of America.
- (b) The Company shall retain the right to refund at a lower rate of interest, any such stock or bonds from time to time outstanding, within the limit

of £3,000,000 aforesaid, but any such stock or bonds redeemed otherwise than for the purpose of such refunding, will be cancelled and not re-issued.

13. The whole issue of "B" debentures shall be used for the redemption (whether by way of cash payments or by exchange of securities) of the unredeemed balance of the first mentioned loan.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be set hereunto and has signed these presents and Bowater's Newfoundland Pulp and Paper Mills Limited has caused these presents to be executed in accordance with its regulations the day and year first above written.

By His Excellency's Command,

(Sgd.) HARRY A. WINTER,  
Commissioner for Home Affairs and Education.

The Common Seal of Bowater's  
Newfoundland Pulp and Paper  
Mills Limited was hereunto  
affixed in the presence of

(L.S.)

(Sgd.) H. M. SPENCER LEWIN,  
Vice-President.

(Sgd.) J. CABOT FITZGERALD,  
Secretary.

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AN ACT TO AMEND THE ACT NO. 27 OF 1941 ENTITLED "AN ACT IN RELATION TO A CONTRACT FOR THE CARRIAGE OF PASSENGERS, MAIL AND FREIGHT UPON CONCEPTION BAY".

[22nd October, 1942]

SECTION

1.—Power to vary Schedule  
B to Agreement.

SECTION

2.—Short title.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Power to vary  
Schedule B to  
Agreement.

**1.** Notwithstanding the provisions of the Act No. 27 of 1941 entitled "An Act in Relation to a Contract for the Carriage of Passengers, Mail and Freight Upon Conception Bay", it shall be lawful for the Commissioner for Public Utilities by agreement in writing with The Bell Island Steamship Company, Limited, to vary the terms of Schedule B of the agreement referred to in the said Act.

Short title.

**2.** This Act and the Act No. 27 of 1941 may be cited together as The Conception Bay Passengers and Mail Contract Acts 1941-1942.

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AN ACT TO INCORPORATE THE TOWN OF  
WINDSOR

[5th November, 1942]

**SECTION**

- 1.—Name of town.
- 2.—Boundaries of Town.
- 3.—Town Council constituted.
- 4.—Qualifications of councilors.
- 5.—Existing Board to continue in office until replacement.
- 6.—Election of three members to be held prior to Dec. 15th next.
- 7.—Appointment of four members to take office with three elected members.
- 8.—(1) Election and appointment of new members after four years.  
(2) Term of office.
- 9.—Elections to be held every four years.
- 10.—Filling of vacancies.
- 11.—(1) Regulations for elections.  
(2) Cost of elections.
- 12.—Vacation of office.
- 13.—Members eligible for re-appointment and re-election.
- 14.—Qualification to vote.
- 15.—(1) Chairman of Council.  
(2) Vice-chairman of Council.
- 16.—Powers of chairman and vice-chairman.
- 17.—Quorum.
- 18.—Proceedings of Council
- 19.—Financial year.
- 20.—(1) Town Fund.  
(2) Bank account.
- 21.—Yearly budget to be submitted.
- 22.—Revised budget may be submitted during financial year.
- 23.—(1) Budget to be approved.

**SECTION**

- (2) Approval withdrawn when budget revised.
- 24.—Council's expenditure limited to budget.
- 25.—(1) Records, accounts and report.  
(2) Report to include financial statement.  
(3) Signing of account and auditor's certificate.  
(4) Publication of account and auditor's certificate and report.
- 26.—(1) Appointment of auditors.  
(2) Powers of auditors.  
(3) Auditors' quarterly reports.  
(4) Auditors' report on yearly account.
- 27.—Appointment of officers and servants.
- 28.—Meetings to be public ordinarily.
- 29.—Bi-monthly meetings to be held.
- 30.—Special meetings.
- 31.—Control of building, sanitation and water supply.
- 32.—Penalty.
- 33.—Removal of building, etc., erected otherwise than under permit.
- 34.—Discovery and removal of nuisances.
- 35.—Destruction of burnt, dilapidated or dangerous buildings.
- 36.—Roads, streets and bridges.
- 37.—Breaking of streets, erection of scaffolding, etc.
- 38.—(1) Establishment and maintenance of drains, sewers and water supply pipes.

## SECTION

(2) Expropriation of drains and sewers.

39.—Right to enter and survey.

40.—Right to enter and construct sewers, etc.

41.—Diversion of water-courses.

42.—Regulations.

43.—(1) Powers of taxation.

- (a) Town service fee.
- (b) Business and entertainment tax.
- (c) Commercial agents' tax.
- (d) Passenger vehicles' tax.
- (e) Water and sewerage taxes.

(2) Increase of taxes.

44.—Definition of "owner".

45.—Fixing of licence fees.

46.—Penalty for operating without licence.

## SECTION

47.—Taxes to be settled annually.

48.—Prohibition of exemption or remission from taxes save with approval of Governor in Commission.

49.—Interest on taxes in arrears.

50.—Publication of taxes and rates; approval of Governor in Commission thereto.

51.—Contracts.

52.—Actions, notice of.

53.—Power to borrow.

54.—Powers of expenditure.

55.—Investigations.

56.—Governor in Commission may depute powers to Commissioner.

57.—Transfer of assets and liabilities.

58.—Repeal.

59.—Short title.

Schedule.

A.D. 1942. Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Name of town. 1. The town or settlement (in this Act hereinafter referred to as "the Town") situate within the boundaries hereinafter defined shall be named Windsor.

Boundaries of Town. 2. The boundaries of the Town shall be as follows: Commencing at a point one mile east by the Newfoundland Railway from the centre of Corduroy Brook culvert running thence north (true) three miles thence south seventy-two degrees west 4.1 miles thence south three miles to the said Newfoundland Railway thence east by the said Newfoundland Railway  $4\frac{1}{4}$  miles to the place of commencement, containing in all twelve square miles more or less.

Town Council constituted. 3. There shall be a Town Council for the control and management of the Town consisting of seven persons which shall be a corporation having perpetual succession

and a common seal and which shall be capable of suing and being sued in the name of The Town of Windsor.

**4.** Any person shall be qualified to be appointed or ~~Qualifications~~ <sup>of councillors</sup> elected as a councillor who is entitled to vote in an election of councillors.

**5.** The Board of Management of the Town elected under the provisions of Section 4 of the Town of Windsor (Management) Act, 1938, and now holding office shall ~~replaced~~ <sup>Existing Board to continue in office until replacement.</sup> continue in office as the Town Council for the Town until replaced by members appointed or elected as hereinafter provided.

**6.**—(1) The Governor in Commission shall prior to the fifteenth day of December next appoint a returning officer for the holding of an election in the Town of three members of the Council. ~~Election of three members to be held prior to Dec. 15th next.~~

(2) The members of the Council who shall be elected at the election so held shall take office upon a date to be appointed by the Governor in Commission which shall not be later than one month after the result of the election shall be notified to the Governor in Commission by the returning officer, and they shall hold office for a period of four years.

**7.** The Governor in Commission shall appoint to the Council four members who shall take office upon the date appointed by the Governor in Commission under the preceding section and they shall hold office for a period of four years. ~~Appointment of four members to take office with three elected members.~~

**8.**—(1) Within six months prior to the expiration of the term of office of the seven members of the Council appointed and elected under the provisions of the preceding sections of this Act the Governor in Commission shall appoint to the Council two members to replace the retiring members and shall also appoint a returning officer ~~Election and appointment of new members after four years.~~

for the holding of elections of the remaining five members of the Council.

**Term of office.** (2) The members of the Council appointed and elected under the provisions of subsection (1) of this section shall take office upon the expiration of the term of office of the members replaced and shall hold office for a period of four years.

**Elections to be held every four years.** 9. Every fourth year after the holding of elections as provided by Section 8 of this Act the Governor in Commission shall appoint a returning officer for the holding of elections of the seven members of the Council to take office in place of the members retiring and hold office for four years.

**Filling of vacancies.**

10. If a vacancy shall occur in the Council by death or vacation of office the Governor in Commission shall, unless the vacancy occur within six months before the regular election, appoint a returning officer who shall proceed to elect a member to fill the vacancy to hold office until the end of the term of the member whom he replaces.

**Regulations for elections.**

11.—(1) The Governor in Commission may make regulations providing for the manner in which elections shall be held under this Act which shall be published in the Newfoundland Gazette and may by such regulations provide penalties for any breach thereof not to exceed five hundred dollars and in default of payment imprisonment not exceeding six months.

**Costs of elections.**

(2) All costs of the holding of elections shall be paid out of the funds of the Council.

**Vacation of office.**

12. A member of the Council shall vacate office if he—

(a) shall tender his resignation in writing to the chairman; or

- (b) shall cease to be a resident of the Town; or
- (c) shall be absent from the Town for more than twelve calendar months at any one time; or
- (d) shall be declared insolvent or make a composition or arrangement with his creditors; or
- (e) shall be removed by unanimous vote of the other members of the Council for cause and with the approval of the Governor in Commission; or
- (f) shall be absent from five consecutive meetings of the Council without leave of the Council.

**13.** Members of the Council whose term of office has ex- Members  
expired shall be eligible for re-appointment and re-election. eligible for  
re-appointment  
and re-election.

**14.** Any person shall be qualified to vote in an election Qualification to  
vote.  
of councillors who—

- (a) is a British subject of the full age of twenty-one years; and
- (b) has resided in the Town for at least one year preceding the date set for the election; and
- (c) is liable to taxation under this Act; and
- (d) is not disqualified by mental incapacity.

**15.—(1)** The Governor in Commission shall appoint a Chairman of member of the first Council elected under this Act to be Council. chairman and every subsequent Council shall appoint its own chairman.

(2) Every Council shall also appoint one of its members Vice-chairman to be vice-chairman who shall in the absence of the chair- of Council man exercise his powers and duties.

**Powers of  
chairman and  
vice-chairman.**

**16.** The chairman or in his absence the vice-chairman shall preside at all meetings of the Council and enforce order and his decision on all points of order shall be final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman.

**Quorum.**

**17.** A majority of the members of the Council shall constitute a quorum for the purpose of a meeting of the Council.

**Proceedings of  
Council.**

**18.** The Council shall have power to regulate its own proceedings.

**Financial year.**

**19.** The financial year of the Council shall be from the first day of April to the thirty-first day of March next following provided that the financial year of the first Council elected under this Act shall be from the date of their appointment to the thirty-first day of March next following.

**Town Fund.**

**20.**—(1) All moneys collected or received by the Council from taxes, levies, fees, loans or grants shall constitute a fund to be called the Town of Windsor Fund (hereinafter called the Town Fund) which shall be under the direction and control of the Council subject to this Act.

**Bank account.**

(2) All moneys received by the Council in respect of the Town Fund shall be lodged with a bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such other officer of the Council as is appointed by the Council for that purpose.

**Yearly budget  
to be  
submitted.**

**21.** The Council shall not later than the first day of March in each year prepare and submit to the Governor in Commission a budget containing—

- (a) an estimate of the balance of the Town Fund at the beginning of the ensuing financial year;
- (b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;
- (c) an estimate of its receipts from various taxes and any other sources of income in the next ensuing financial year;
- (d) any other information in relation to the foregoing which the Governor in Commission may require.

**22.** If at any time during the financial year in respect of which a budget has been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure then the Council may, and if required by the Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and expenditure and of outstanding liabilities up to the date of submission.

**23.—(1)** The Governor in Commission may approve or disapprove a budget submitted by the Council.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect.

Council's expenditure limited to budget.

**24.** Save with the approval of the Governor in Commission the Council shall not have power in any year to incur, enter upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the estimated amount of payments as set out in an approved budget.

Records, accounts and report.

**25.**—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of account are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith.

Report to include financial statement.

(2) The report submitted by the chairman under the preceding section shall include an account made up to the thirty-first day of March preceding, setting out the Council's receipts and payments during the preceding year and a statement of its assets and liabilities.

Signing of account and auditor's certificate.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto any report thereon which the auditor may have made to the Council.

Publication of account and auditor's certificate and report.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Town and if there shall be no such newspaper in any other newspaper published in Newfoundland and circulating in the Town.

Appointment of auditors.

**26.**—(1) The Governor in Commission shall appoint in every year one or more persons to audit the accounts of

the Council who shall maintain a regular monthly audit of the said accounts during the year.

(2) An auditor appointed under this section shall have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council. Powers of auditors.

(3) Not later than the fifteenth day of July, the quarterly fifteenth day of October, the fifteenth day of January and the fifteenth day of April in each year the auditor or auditors will make a report on the audit to the Council which shall include a statement of the receipts and payments of the Town Fund up to the date of the preceding quarter and shall forward a copy of the report and statement to the Governor in Commission. Auditors' reports.

(4) The auditor or auditors shall examine and report on the annual account of the Council required to be made yearly under subsection (2) of Section 25 hereof and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept, the adequacy of the safeguards against fraud and any other matters connected with the accounts which he or they may consider of sufficient interest or importance to mention. Auditors' report on yearly account.

**27.** The Council shall have power subject to the approval of the Governor in Commission to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants. Appointment of officers and servants.

**28.** Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such

Meetings to be  
ordinarily.

meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

**Bi-monthly meetings to be held.** **29.** There shall be a meeting of the Council at least twice every month for the despatch of general business.

**Special meetings.**

**30.** Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

### CONTROL OF BUILDING

**Control of building, sanitation and water supply.**

**31.**—(1) From and after the date of the passing of this Act no person shall within the Town—

- (a) commence any building;
- (b) extend or repair any existing building;
- (c) build, construct or make any privy or sewer;
- (d) make or use any new water supply,

save under and in accordance with the terms of a permit in writing from the Council.

(2) The Council with the approval of the Commissioner may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Town.

(3) Every permit given by the Council shall be subject to such rules or regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building,

privy, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

**32.** If any person shall commit a breach of any of **Penalty.** the provisions of the foregoing section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**33.**—(1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy or sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made to any privy or sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same

shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

### CONTROL OF SANITARY CONDITIONS

Discovery and removal of nuisances.

**34.**—(1) The Council or any person appointed by the Council for that purpose may open and enter or may authorise a constable to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provision of subsection (1) of this section shall not be complied with, or so far complied with as the Council may regard as reasonable, within the time specified in the order then such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Town the Council may cause any nuisance, filth, rubbish or insanitary matter thereon to be removed or de-

stroyed or any insanitary condition thereon to be amended and the cost of such removal, destruction or amendment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

**35.**—(1) The Council or any person appointed by the Council may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days after the service thereof or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Town, the Council may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

## STREETS AND ROADS

**Roads, streets and bridges.**

**36.** The Council shall have the control and management of all roads, streets and bridges within the Town, other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

**Breaking of streets, erection of scaffolding, etc.**

**37.** No person shall break up the soil of any street, or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Council of the purposes for which such breaking up or structure is required, and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to them to require.

## DRAINS AND SEWERS

**Establishment and maintenance of drains, sewers and water supply pipes.**

**38.—(1)** The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

**Expropriation of drains and sewers.**

**(2)** The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along any street, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer, as may be agreed or determined by arbitration.

**Right to enter and survey.**

**39.** The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands whenever it may become necessary for

the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act.

**40.** The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon any Crown lands or upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing in the Town and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

Right to enter  
and construct  
sewers, etc.

**41.** The Council shall have power to alter or divert any watercourse within the town for the purpose of the improvement of such watercourse or of the sewerage of the Town, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as may be deemed by the Council to be necessary and expedient, and the Council shall have power for the purposes aforesaid to enter upon all lands within the Town and to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of said buildings and erections as may be necessary for the said purposes and shall compensate any per-

Diversion of  
water-courses.

son injuriously affected thereby in such sum as may be agreed and if no agreement can be made in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

### LOCAL REGULATIONS

**Regulations.**

42.—(1) Subject to the approval of the Governor in Commission the Council shall have power to make regulations, applicable within the Town, for dealing with the following class of subjects, and may from time to time amend or repeal any such regulations, that is to say—

- (a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;
- (b) for the shovelling of snow and the clearing of roads in winter;
- (c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupants of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;
- (d) for the payment of any tax by services or materials of an equal value when in the opinion of the Council the taxpayer is unable to pay in cash;
- (e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health or safety;

- (f) for regulating the keeping of animals within the Town and the places where the same may be kept;
- (g) for prohibiting the use of any form of, or any mode of management of, any baths, water closets, soil-pans, sinks, cess-pits, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;
- (h) for the protection of drains, sewers and water supply pipes and for keeping the same free from obstruction;
- (i) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;
- (j) for the numbering of all buildings and the marking and naming of new streets or roads;
- (k) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(2) The Council may prescribe a penalty not exceeding one hundred dollars for the violation of any regulation made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulation as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulated in the Town or by poster or otherwise as the Council may direct.

**43.—(1)** The Council shall have power to impose, sue for and collect the following taxes or levies:

**Town service fee.**

(a) A town service fee of not less than six nor more than ten dollars to be paid by the following persons—

(i) All male residents of the age of twenty-one years or more.

(ii) All male persons of the age of eighteen years or more living in the Town for a period of not less than sixty days and being employed for pay or reward.

(iii) All non-resident persons who own real property within the Town to the value of fifty dollars or more.

(iv) All females of the age of twenty-one years or more resident in the Town but not residing with a male member of the household who is liable to pay the said town service fee who—

(aa) own any real property in the Town to the value of fifty dollars or more; or

(bb) have an income from any source whatsoever of four hundred dollars per year or more.

For the purpose of this sub-paragraph “household” shall mean a number of persons related by blood or adoption to the female from whom tax is sought to be collected and residing in the same house or tenement.

**Business and entertainment tax.**

(b) A licence fee of not less than ten dollars nor more than thirty-five dollars per year upon every person or Company doing within the limits of the Town any of the following businesses:

(i) Keeping a shop or store where goods of any kind are bought or sold.

(ii) Keeping a place where services of any kind are rendered to the public for reward.

(iii) Producing any stage performance, entertainment, circus or show, save in the case where all the proceeds are to be used for charitable or educational purposes.

(c) A tax of five dollars payable not more than once in every year on every commercial agent doing or soliciting any business in the Town but not upon an agent who is a Newfoundland citizen and does or solicits business for Newfoundland firms or companies only.

(d) A tax of not less than five dollars nor more than ten dollars payable not more than once in every year on every motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward.

(e) Such taxes as the Council may from time to time impose upon the property served by any water or sewerage service in pipes.

(2) No tax imposed under clause (e) of the last preceding subsection may be increased save with the consent of two-thirds of the owners of property served or to be served by such pipes. The consent in such cases shall be obtained in the same manner mutatis mutandis as the election of members of the Council.

**44.** For the purposes of this Act the word "owner" or any grammatical variation thereof when used in relation to land shall mean the owner of the freehold.

**45.—(1)** The licence fee upon every person or company doing certain business within the limits of the Town set

Fixing of licence fees.

forth in clause (b) of subsection (1) of Section 43 of this Act may be fixed within the limits of ten dollars and thirty-five dollars respectively by the Council in respect of any such person or company or class of persons or companies in accordance with the Council's opinion as to the value or magnitude of the business done by such person or company, which opinion shall be final.

(2) In the case of a person or company commencing business after the rates for the year have been fixed, the Council may make a special assessment for the remainder of the current year, which shall then be posted up and thereupon become payable.

(3) Any person or company deeming himself or itself aggrieved by the rate of licence fee fixed upon his or its business by the Council may request a hearing by the Council and reconsideration by them: Provided that upon such reconsideration the Council may require him or it to make or furnish a statutory declaration as to the amount or value of business done by him or it or may require the production of his or its books for examination.

**Penalty for  
operating  
without licence.**

**46.** Any person who shall:

- (a) do any of the businesses referred to in paragraph (b) of subsection (1) of Section 43 of this Act; or
- (b) being a commercial agent, other than a Newfoundland citizen doing or soliciting business with Newfoundland firms or companies only, do or solicit any business in the town of Windsor; or
- (c) operate within the said Town any motor vehicle ordinarily operated as a bus or passenger car from within the limits of the Town for hire or reward

without having first obtained a licence therefor from the Council in accordance with the provisions of the said Section 43 shall be liable on summary conviction to a fine

not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days; and every repetition of the said act shall be deemed to be a separate offence.

**47.** The amount of the fees or taxes payable under Taxes to be subparagraphs (a), (b), (c) and (d) of subsection (1) of settled annually Section 43 of this Act shall be settled each year by the Council and posted in at least two conspicuous places in the Town between the first and fifteenth days of July. The fees or taxes so settled and posted shall thereupon become payable for the next ensuing year.

**48.—(1)** Whenever it shall be made to appear to the Prohibition of Council that any exemption from taxes or any remission exemption or remission from of taxes or of the interest thereon, in whole or in part, taxes save is for the benefit of the Town then the Council may, if with approval of Governor in every member present at the meeting concurs, represent Commission. to the Governor in Commission that such exemption or remission should be granted and if the Governor in Commission shall approve such exemption or remission the same may be granted but subject to such conditions as the Governor in Commission may impose.

(2) Save as hereinbefore in this section provided the Council shall not grant such exemption or remission from taxes to any person, firm, or company and no contract, agreement or stipulation with any person, firm or company for such exemption or remission from taxes shall be valid.

**49.** All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run on taxes in year after such taxes become due.

**50.** The Council shall publish in the Newfoundland Gazette and in one other newspaper published or circulating in the Town a copy of every minute of the Council whereby any tax is imposed or rate determined and where the approval of the Governor in Commission to such tax thereto.

or rate is required shall also publish therewith a notice of the date when such approval was given.

**Contracts.**

**51.** All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document and all contracts not under seal when duly authorized by the Council shall be signed by the chairman.

**Actions, notice of.**

**52.** No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

**Power to borrow.**

**53.** The Council shall have power subject to the approval of the Governor in Commission to borrow moneys and to issue securities for the repayment of moneys borrowed.

**Powers of expenditure.**

**54.** The Council shall have power to appropriate and pay out of the funds at its disposal salaries or remuneration to officers, auditors and employees of the Council and the general expenses of the Council and generally all other expenditures incurred in the execution of the powers and duties by law vested in the Council or its officers.

**Investigations.**

**55.** The Governor in Commission shall have power by any official thereto authorized by him, to investigate at any time the books, records and accounts of the Council, and to inspect all work done or being done or to consider any work proposed to be done by the Council; and the

Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or decision either on the foregoing subjects or on any other subject passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

**56.** The powers and duties of the Governor in Commission under this Act except the powers conferred by Section 10 may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

**57.** All assets, including the benefit of all contracts, and all liabilities of the Board of Management of the Town constituted under the Town of Windsor (Management) Act, 1938, shall upon the coming into effect of this Act be transferred to the Town Council hereby constituted.

**58.** The Acts in the Schedule hereto are hereby repealed.

**59.** This Act may be cited as The Town of Windsor Short title. Act, 1942.

Schedule.

**SCHEDULE****Enactments Repealed.**

Year and Number	Title or Short Title	Extent of Repeal
No. 42 of 1938.	The Town of Windsor (Management) Act.	The whole Act.
No. 36 of 1939	An Act to amend the Town of Windsor (Management) Act.	The whole Act.

AN ACT TO INCORPORATE THE TOWN OF CORNER  
BROOK WEST

[5th November, 1942]

SECTION

- 1.—Name of town.
- 2.—Boundaries of Town.
- 3.—Town Council constituted.
- 4.—Qualifications of councillors.
- 5.—(1) Appointment of first Council.  
(2) Term of office.  
(3) Vacancies.
- 6.—(1) Appointment and election of members of second Council.  
(2) Retirement of three members after four years.  
(3) Re-appointment of three members for two years.  
(4) Vacancies.  
(5) Publication of appointments.  
(6) Election of councillors to replace those retiring.  
(7) Term of office of elected councillors.
- 7.—Election of subsequent councillors and term of office thereof.
- 8.—Bye-elections.
- 9.—Retiring councillors eligible for re-appointment or re-election.
- 10.—Qualifications of voters.
- 11.—(1) Regulations for holding of elections.  
(2) Costs of elections.
- 12.—Appointment of chairman and vice-chairman.
- 13.—Vacation of office by councillors.
- 14.—Duties of chairman and vice-chairman.
- 15.—Quorum.
- 16.—Council to regulate its proceedings.
- 17.—Financial year of Council.

SECTION

- 18.—(1) Town Fund.  
(2) Bank account.
- 19.—Yearly budget to be submitted.
- 20.—Revised budget may be submitted during financial year.
- 21.—(1) Budget to be approved.  
(2) Approval withdrawn when budget revised.
- 22.—Council's expenditure limited to budget.
- 23.—(1) Records, accounts and report.  
(2) Report to include financial statements.  
(3) Signing of account and auditor's certificate.  
(4) Publication of account and auditor's certificate and report.
- 24.—(1) Books of account to include assessment register.  
(2) Record of taxes due and interest.
- 25.—(1) Appointment of auditors.  
(2) Powers of auditors.  
(3) Auditors' quarterly reports.  
(4) Auditors' report on yearly account.
- 26.—Appointment of officers and servants.
- 27.—Meetings to be public ordinarily.
- 28.—Bi-monthly meetings to be held.
- 29.—Special meetings.
- 30.—Control of building, sanitation and water supply.
- 31.—Penalty.

## SECTION

- 32.—Removal of building, etc., erected otherwise than under permit.
- 33.—Discovery and removal of nuisances.
- 34.—Destruction of burnt, dilapidated or dangerous buildings.
- 35.—Roads, streets and bridges.
- 36.—Breaking of streets, erection of scaffolding, etc.
- 37.—(1) Establishment and maintenance of drains, sewers and water supply pipes.
- (2) Expropriation of drains and sewers.
- 38.—Right to enter and survey.
- 39.—Right to enter and construct sewers, etc.
- 40.—Diversion of water courses.
- 41.—Regulations.
- 42.—Stock tax.
- 43.—Business tax.
- 44.—Real property tax.
- 45.—Taxes, when payable.
- 46.—Exemptions from tax.
- 47.—Entertainment tax.
- 48.—Exemption from entertainment tax.
- 49.—Admission of inspector to enforce entertainment tax.
- 50.—Sundry taxes.
- 51.—Prohibition of exemption or remission.

## SECTION

- 52.—Interest on taxes in arrears.
- 53.—(1) Power to waive or compromise arrears of interest.
- (2) Waiver or compromise only on unanimous vote of Council.
- 54.—Lien for taxes.
- 55.—Appraisement of property for tax.
- 56.—Books of appraisement open for examination.
- 57.—Magistrate to hold court of revision.
- 58.—Appeal from decision of Magistrate on appraisement.
- 59.—Production of documents, etc., to appraisers.
- 60.—Furnishing of information for stock tax and arbitrary appraisal in default.
- 61.—Publication of taxes and rates; approval of Governor in Commission thereto.
- 62.—Contracts.
- 63.—Actions, notice of.
- 64.—Power to borrow.
- 65.—Powers of expenditure.
- 66.—Investigations.
- 67.—Governor in Commission may depute powers to Commissioner.
- 68.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Name of Town. 1. The town or settlement (in this Act hereinafter referred to as "the Town") situate within the boundaries hereinafter defined shall be named Corner Brook West.

Boundaries of Town.

2. The boundaries of the Town shall be as follows: All that area situate lying and being on the southern side

of the Humber Arm, Bay of Islands, in the District of Humber, Newfoundland, and being more particularly described as follows, that is to say, beginning at a point on the southern shore of the Humber Arm said point being the intersection of the south eastern boundary of Crown Grant No. 14454 to C. Fisher with the foreshore of the said Humber Arm thence to run along the said south eastern boundary of Crown Grant No. 14454 to C. Fisher South 48 degrees North 858 feet thence North 47 degrees West 297.7 feet thence South 30 degrees West 10 feet thence North 60 degrees West 864.6 feet thence South 60 degrees 30 minutes West 9,630.0 feet more or less thence South 29 degrees 30 minutes East 5,280.0 feet more or less thence South 80 degrees 45 minutes East 13,100.0 feet more or less to Bowater's Newfoundland Pulp and Paper Mills Limited town boundary thence following the said alleged town boundary of Bowater's Newfoundland Pulp and Paper Mills Limited to the point of beginning.

**3.** There shall be a Town Council for the control and management of the Town consisting of six persons which shall be a corporation having perpetual succession and a common seal and which shall be capable of suing and being sued in the name of The Town of Corner Brook West.

**4.** Any person shall be qualified to be appointed or elected as a councillor who—

(a) is a British subject of the full age of twenty-one years; and

(b) has resided in the Town for at least one year immediately preceding appointment or the date set for the election as the case may be; and

- (c) is liable to taxation under this Act; and
- (d) is not disqualified by mental incapacity.

**Appointment of first Council.** **5.**—(1) The first Council shall be appointed by the Governor in Commission.

**Term of office.** (2) The term of office of the first Council shall be four years from the time of appointment and such further time not exceeding three months as shall be determined by the Governor in Commission.

**Vacancies.** (3) The Governor in Commission may make any appointments necessary to fill any vacancy in the first Council during its said term of office.

**Appointment and election of members of second Council.** **6.**—(1) The membership of the Council which shall take office upon the expiration of the term of office of the first Council shall be determined in the manner hereinafter in this section provided.

**Retirement of three members after four years.** (2) In the last month of the fourth year of the term of office of the first Council or at such other time as shall be appointed by the Governor in Commission the Council shall draw lots for the retirement of three of its members and notify the names thereof to the Governor in Commission.

**Re-appointment of three members for two years.** (3) The Governor in Commission shall re-appoint to the Council to hold office for a further period of two years the members of the first Council whose names have not been notified as subject to retirement and in the event that any of such members shall be unable or unwilling to act the Governor in Commission may appoint others in their stead for such term.

**Vacancies** (4) If the office of any of the members of the Council appointed under the preceding subsection (3) shall be

come vacant during the said term of two years the Governor in Commission may appoint a person in his stead for the remainder of the said term.

(5) The appointments made under subsection (3) here-<sup>Publication of</sup> of shall be published in the Newfoundland Gazette prior <sup>appointments.</sup> to the expiration of the term of office of the first Council.

(6) Subsequent to the publication of the names of the <sup>Election of</sup> three appointed members as hereinbefore provided <sup>councillors to</sup> the Governor in Commission shall appoint a returning officer <sup>replace those</sup> <sup>retiring.</sup> whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of elections of members to replace the retiring members of the Council.

(7) The members elected to replace retiring members <sup>Term of office</sup> as provided in the preceding subsection (6) shall hold <sup>of elected</sup> <sup>councillors</sup> office for a period of four years.

7. Upon the expiration of the term of office of <sup>Election of</sup> members appointed by the Governor in Commission under <sup>councillors and</sup> the preceding section an election shall be held for the <sup>subsequent</sup> <sup>term of office</sup> appointment of three members to replace them who shall hold office for a period of four years and thereafter every two years elections shall be held for the appointment of three members to hold office for a period of four years.

8. In the event of a vacancy occurring in the office <sup>of</sup> <sup>By-elections</sup> held by any elected member of the Council at any time prior to six months before the expiration of the term of office of such member, then the Governor in Commission <sup>of the town</sup> shall appoint a returning officer whose duty shall be to provide, in accordance with regulations made under this Act, for the holding of a bye-election of a member in replacement, who shall hold office for the unexpired term.

Retiring  
councillors  
eligible for  
re-appointment  
or re-election.

Qualifications  
of voters.

Regulations  
for holding of  
elections.

Costs of  
elections.

Appointment of  
chairman and  
vice-chairman.

Vacation of  
office by  
councillors.

9. Councillors whose term of office has expired shall be eligible for re-appointment and re-election.

10. Any person shall be qualified to vote in an election of councillors who—

- (a) is a British subject of the full age of twenty-one years; and
- (b) has resided in the Town for at least one year preceding the date set for the election; and
- (c) is liable to taxation under this Act; and
- (d) is not disqualified by mental incapacity.

11.—(1) The Governor in Commission may make regulations for the holding of elections under this Act which shall be published in the Newfoundland Gazette and which may provide penalties for any breach thereof not to exceed five hundred dollars and in default of payment imprisonment for six months.

(2) All costs of the holding of elections shall be paid out of the funds of the Council.

12.—(1) The Governor in Commission shall appoint a member of the first Council to be chairman and every subsequent Council shall appoint its own chairman.

Every Council shall also appoint one of its members to be vice-chairman who shall in the absence of the chairman exercise his powers and duties.

13. A councillor shall vacate his office if he—

- (a) shall tender his resignation in writing to the chairman;

- (b) shall cease to be a resident of the Town;
- (c) shall be absent from the Town for more than twelve calendar months at any one time;
- (d) shall be declared insolvent or make a composition or arrangement with his creditors;
- (e) shall be removed by unanimous vote of the other members of the Council for cause and with the approval of the Governor in Commission.

**14.** The chairman or in his absence the vice-chairman <sup>Duties of</sup> shall preside at all meetings of the Council and enforce <sup>chairman and</sup> order and his decision on all points of order shall be <sup>vice-chairman.</sup> final. If both chairman and vice-chairman be absent, the remaining members of the Council shall appoint a temporary chairman.

**15.** A majority of the members of the Council shall <sup>Quorum.</sup> constitute a quorum for the purpose of a meeting of the Council.

**16.** The Council shall have power to regulate its own <sup>Council to</sup> proceedings. <sup>regulate its</sup> <sup>proceedings.</sup>

**17.** The financial year of the Council shall be from <sup>Financial</sup> the first day of April to the thirty-first day of March <sup>year of</sup> next following, except in the first year when it shall be <sup>Council</sup> from the date of appointment of the Council until the thirty-first day of March next following.

**18.—(1)** All moneys collected or received by the <sup>Town Fund.</sup> Council from taxes, loans or grants shall constitute a fund to be called the Town of Corner Brook West Fund (hereinafter called the Town Fund) which shall be under the direction and control of the Council subject to this Act.

**Bank account.**

(2) All moneys received by the Council in respect of the Town Fund shall be lodged with a bank in an account entitled in the name of the fund and all orders or cheques withdrawing moneys therefrom shall be signed by the chairman or vice-chairman and countersigned by such other officer of the Council as is appointed by the Council for the purpose.

**Yearly budget  
to be  
submitted.**

**19.** The Council shall not later than the first day of March in each year prepare and submit to the Governor in Commission a budget containing:

- (a) an estimate of the balance of the Town Fund at the beginning of the ensuing financial year;
- (b) an estimate of payments in the next ensuing financial year showing the amounts required to meet various classes of expenditure;
- (c) an estimate of its receipts from various taxes and any other sources of income in the next ensuing financial year;
- (d) any other information in relation to the foregoing which the Governor in Commission may require.

**Revised budget  
may be  
submitted  
during  
financial year.**

**20.** If at any time during the financial year in respect of which a budget has been submitted it should appear that the actual revenue of the Council is likely to be substantially greater or less than the estimated revenue or that the actual expenditure required to be made is likely to be substantially greater or less than the estimated expenditure then the Council may, and if required by the Governor in Commission shall, submit to the Governor in Commission a revised budget containing the particulars required under the preceding section and in addition particulars of actual receipts and payments and of outstanding liabilities up to the date of submission.

21.—(1) The Governor in Commission may approve or disapprove a budget submitted by the Council. Budget to be approved.

(2) Whenever the Governor in Commission shall require the Council to submit a revised budget under the provisions of the preceding section he may notify the Council that the approval given in respect of a budget previously submitted is withdrawn and in such case shall state the date upon which the withdrawal of such approval shall take effect. Approval withdrawn when budget revised.

22. Save with the approval of the Governor in Commission the Council shall not have power in any year to incur, enter upon or contract or become liable for any expenditure or indebtedness beyond or in excess of the estimated amount of payments as set out in an approved budget. Council's expenditure limited to budget.

23.—(1) The chairman of the Council shall keep or cause to be kept regular minutes of the Council meetings and shall ensure that full and complete books of account are kept and he shall on or before the thirtieth day of June in each year make a report to the Governor in Commission showing the work done during the year ended the thirty-first day of March preceding and such other data as may be of interest in connection therewith. Records, accounts and report.

(2) The report submitted by the chairman under the preceding section shall include an account made up to the thirty-first day of March preceding, setting out the Council's receipts and payments during the preceding year and a statement of its assets and liabilities. Report to include financial statements.

(3) The account required under the preceding subsection shall be signed by the chairman or vice-chairman and a member of the Council and certified by the auditor and there shall be attached thereto any report thereon which the auditor may have made to the Council. Signing of account and auditor's certificate.

Publication of account and auditor's certificate and report.

(4) The account, certificate and auditor's report referred to in the preceding subsection shall be published by the Council in a newspaper published in the Town and if there shall be no such newspaper in any other newspaper published in Newfoundland and circulating in the Town.

Books of account to include assessment register.

**24.**—(1) The books of account to be kept by the Council shall include an assessment register of real property in which shall be recorded—

- (a) the name of the street on which the property is situate;
- (b) the designation of the property sufficient for identification either by name or number;
- (c) the name of the owner;
- (d) the capital or rental value on which the property is assessed;
- (e) the amount of the assessment thereon.

Record of taxes due and interest.

(2) A record shall be kept showing the amount due at any time in respect of each property, including any interest payable.

Appointment of auditors.

**25.**—(1) The Governor in Commission shall appoint in every year one or more persons to audit the accounts of the Council who shall maintain a regular monthly audit of the said accounts during the year.

Powers of auditors.

(2) An auditor appointed under this section shall have authority to call for and shall be supplied with all books and vouchers of the Council which he deems necessary to enable him properly to audit the accounts of the Council.

(3) Not later than the fifteenth day of July, the <sup>Auditors'</sup> quarterly fifteenth day of October, the fifteenth day of January and reports. the fifteenth day of April in each year the auditor or auditors will make a report on the audit to the Council which shall include a statement of the receipts and payments of the Town Fund up to the date of the preceding quarter and shall forward a copy of the report and statement to the Governor in Commission.

(4) The auditor or auditors shall examine and report <sup>Auditors'</sup> on the annual account of the Council required to be made <sup>report on</sup> yearly account. under subsection (2) of Section 23 hereof and in such report will direct attention to any expenditure in excess of the budget for that year approved by the Governor in Commission and to the position with regard to arrears of revenue and the manner in which the accounts have been kept, the adequacy of the safeguards against fraud and any other matters connected with the accounts which he or they may consider of sufficient interest or importance to mention.

**26.** The Council shall have power subject to the approval of the Governor in Commission to appoint such officers and servants as may be deemed necessary for the conduct of its business and from time to time to fix the remuneration of such officers and servants.

**27.** Every meeting of the Council shall be open to the public unless the same shall be called as a privileged meeting or declared by a vote of the Council at such meeting to be a privileged meeting, in which latter case all members of the public present shall retire.

**28.** There shall be a meeting of the Council at least Bi-monthly twice every month for the despatch of general business.

<sup>Meetings to be held.</sup>

**29.** Special meetings of the Council may be called at such times as the chairman may deem necessary or on the written request of two members of the Council.

Control of  
building,  
sanitation and  
water supply.

## CONTROL OF BUILDING

**30.**—(1) From and after the date of the passing of this Act no person shall within the Town—

- (a) commence any building;
- (b) extend or repair any existing building;
- (c) build, construct or make any privy or sewer;
- (d) make or use any new water supply,

save under and in accordance with the terms of a permit in writing from the Council.

(2) The Council with the approval of the Governor in Commission may make general rules and regulations regarding the conditions upon which a permit may be granted and may alter, vary, suspend or add to such rules or regulations in particular cases as may be deemed by them to be necessary to secure the orderly and sanitary development of the Town.

(3) Every permit given by the Council shall be subject to such rules or regulations for the time being applicable and such rules and regulations shall be posted in a conspicuous place to which the public has access.

(4) The owner and the builder or maker shall at all times during the erection or construction of a building, privy, sewer or water supply, affix and keep affixed in a conspicuous position upon or adjacent to the work a placard to be furnished by the Council, reading "Council permit granted", with the date or any other matter prescribed by the Council.

**31.** If any person shall commit a breach of any of the Penalty provisions of the foregoing section he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

**32.**—(1) If any building shall be erected or commenced to be erected, or any extension shall be added to any existing building, or if any privy or sewer or water supply shall be built, constructed or made, or any extension or alteration shall be added or made to any privy or sewer or water supply otherwise than under and in accordance with the terms of a permit as aforesaid, the same shall be deemed a public nuisance; and the Council may by writing under the hand of the chairman order either the owner or the builder or maker thereof within three days after service of the order upon him, or within such shorter period as the Council may designate, to pull down or fill in or otherwise destroy the same.

Removal of  
erected  
otherwise than  
under permit.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within three days after the service thereof, or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

### CONTROL OF SANITARY CONDITIONS

Discovery and  
removal of  
nuisances.

**33.**—(1) The Council or any person appointed by the Council for that purpose may open and enter or may authorize a constable to open and enter any private place where any noxious substance or condition which may be dangerous to the public health is suspected to be present or existing; and the Council may by order in writing require that all nuisance, filth, rubbish or insanitary matter be removed from or destroyed in any private place, or that any insanitary condition in any private place be amended within a reasonable time to be fixed in the order.

(2) If the order made by the Council under the provisions of subsection (1) of this section shall not be complied with, or so far complied with as the Council may regard as reasonable, within the time specified in the order then such order may be executed by the Council through its officers, agents, employees or contractors, and the cost of the execution of the said order may be recovered from the owner or occupier at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of any place where any noxious substance or any condition which may be dangerous to the public health is present or existing cannot be found in the Town the Council may cause any nuisance, filth, rubbish or insanitary matter thereon to be removed or destroyed or any insanitary condition thereon to be amended and the cost of such removal, destruction or amend-

ment may be recovered from the owner or occupier at the suit of the Council as a civil debt.

**34.**—(1) The Council or any person appointed by the Council may enter and inspect any burnt, dilapidated or dangerous building or any dwelling which is suspected to be unfit for human habitation, and the Council may after due notice in writing to the owner of the same or his agent and the public hearing of the matter before the Council adjudge the same to be a nuisance and may make an order in writing prescribing such disposition, alteration or regulation thereof or the destruction thereof as the Council may deem necessary.

(2) If the order of the Council issued under the authority of the provisions of subsection (1) of this section is not complied with, or is not so far complied with as the Council may regard as reasonable, within five days after the service thereof or within such shorter period as the Council may designate, then such order may be executed by the Council through its officers, agents, employees or contractors and the cost of such execution may be recovered from the owner at the suit of the Council as a civil debt.

(3) Every person on whom such an order shall have been served who shall refuse or fail to obey the same shall also be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months.

(4) If the owner of such burnt, dilapidated or dangerous building or dwelling unfit for human habitation cannot be found in the Town, the Council may cause such building or dwelling to be pulled down and the debris thereof removed, and the cost of such pulling down and removal may be recovered from the owner at the suit of the Council as a civil debt.

## STREETS AND ROADS

Roads, streets and bridges.

**35.** The Council shall have the control and management of all roads, streets and bridges within the Town, other than highroads and the bridges thereon, and may, subject to the approval of the Governor in Commission, expropriate any land for the purpose of making, extending or widening streets or roads, the damage to the owner thereof, in default of agreement, being determined by arbitration.

Breaking of streets, erection of scaffolding, etc.

**36.** No person shall break up the soil of any street, or erect or place in any street, sidewalk, road or lane, any structure, without first notifying the Council of the purposes for which such breaking up or structure is required, and obtaining the permission of the Council therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to them to require.

## DRAINS AND SEWERS

Establishment and maintenance of drains, sewers and water supply pipes.

**37.—(1)** The Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water supply pipes as the Council deems necessary or expedient.

Expropriation of drains and sewers.

**(2)** The Council shall have power, when it considers it expedient, to acquire and take possession of any drain or sewer constructed by any person or persons through, under or along any street, upon such terms as to compensation to any person claiming or having any interest or right as owner or otherwise in such drain or sewer, as may be agreed or determined by arbitration.

**38.** The chairman or any servant of the Council by him duly authorized thereto in writing may enter upon any Crown lands or upon the lands of any person whatsoever and enter all houses, buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repairing, maintaining or inspection of sewerage, drainage or any other works which the Council may be by this Act empowered to undertake or to control for the purpose of carrying into effect the provisions of this Act.

**39.** The Council, its engineers, officers, foremen, servants and labourers shall have the right to enter upon any Crown lands or upon the lands of any person whatsoever and into all houses, buildings, tenements and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage, and cleansing in the Town and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares or private property or other places as may be necessary for fully and effectually carrying into effect the said work and system and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises and to convey material over, through and upon the same and to make, convey and lay down pipes, drains, gratings or other necessary works in and upon the same and from time to time remove, alter or change the same.

**40.** The Council shall have power to alter or divert <sup>Diversion of</sup> any watercourse within the Town for the purpose of the <sup>water courses.</sup> improvement of such watercourse or of the sewerage of the Town, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up such watercourse as

may be deemed by the Council to be necessary and expedient, and the Council shall have power for the purposes aforesaid to enter upon all lands within the Town, to dig and excavate upon such lands and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of said buildings and erections as may be necessary for the said purposes and shall compensate any person injuriously affected thereby in such sum as may be agreed and if no agreement can be made, in such sum as may be awarded by arbitration: Provided that the party upon whose property the Council may require to perform any such operations may before the commencement thereof require sufficient security to be given by the Council for the due payment of any award that may be made to him in any such arbitration.

### LOCAL REGULATIONS

**41.**—(1) Subject to the approval of the Governor in Commission the Council shall have power to make regulations, applicable within the Town, for dealing with the following classes of subjects, and may from time to time amend or repeal any such regulations, that is to say—

- (a) for compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses;
- (b) for the shovelling of snow and the clearing of roads in winter;
- (c) for providing for places of deposit of ashes, rubbish and offensive matter of every kind, and for compelling the owners or occupants of property to keep their property clean and to remove all ashes, rubbish and offensive matter to such places of deposit;

- (d) for the payment of any tax by services or materials of an equal value when in the opinion of the Council the taxpayer is unable to pay in cash;
- (e) for providing for the demolition or removal of buildings or erections which have fallen into decay, and which have become a menace to health or safety;
- (f) for regulating the keeping of animals within the Town and the places where the same may be kept;
- (g) for prohibiting the use of any form of, or any mode of management of, any baths, water closets, soil-pans, sinks, cess-pits, wells and other receptacles and fittings, the use of which may in its judgment tend to any fouling or contamination, or to endanger the public health;
- (h) for the protection of drains, sewers and water supply pipes and for keeping the same free from obstruction;
- (i) for prohibiting the use for domestic purposes of water from any natural source which the Council may consider dangerous to health;
- (j) for the numbering of all buildings, the marking and naming of new streets or roads;
- (k) in relation to such other subjects as may from time to time by the Governor in Commission be assigned to the Council.

(2) The Council may prescribe in such regulations a penalty not exceeding one hundred dollars for the violation of any regulation made under the provisions of this Act, and may provide that in default of payment of such penalty the offender may be imprisoned for any

period not exceeding three months. A Stipendiary Magistrate may impose the whole or such part of the penalty or punishment fixed by the regulation as he deems fit.

(3) Such regulations shall be made public either by insertion in a newspaper circulating in the Town or by poster or otherwise as the Council may direct.

### **POWERS OF TAXATION**

#### **Stock tax.**

42.—(1) There shall be paid by the occupier of every shop, store, warehouse or factory within the limits of the Town a tax to be known as the stock tax, of thirty cents for every one hundred dollars of the value of his stock in trade as hereinafter determined.

(2) For the purposes of this section stock-in-trade shall be valued at the wholesale price which it would fetch if sold in open market in the Town, and shall include materials held for manufacture or partly manufactured.

(3) For the purposes of this section the value shall be the appraised value on such date or dates in each calendar year as shall be determined by the Council subject to the approval of the Governor in Commission in respect of any classes of shops, stores, warehouses or factories or of all such within the limits of the Town.

(4) The stock tax shall be paid on such date in each year as shall be determined by the Council.

#### **Business tax.**

43.—(1) The Council shall have power subject to the approval of the Governor in Commission to impose an annual tax or license fee not to exceed one hundred dollars, on persons carrying on within the town any business, trade or profession and may vary the same in respect of businesses, trades or professions of different

kinds and in respect of premises upon which more than one trade, business or profession is carried on.

(2) The taxes imposed under this section shall be payable in each year on such date as shall be determined by the Council.

**44.**—(1) There shall be paid by the owners of real property within the Town an annual tax to be fixed, levied and imposed by the Council whenever the Council shall so decide and subject as to the rate thereof to the approval of the Governor in Commission. The said tax may be fixed, levied and imposed on any one or more or all of the classes of real property defined in subsection (3) of this section.

(2) For the purposes of fixing such rates the Council may from time to time, but not less frequently than once in every three years, make assessments upon the basis of the capital or rental value of the property to be rated. Such assessments shall be made by not less than two assessors appointed by the Council, subject to the approval of the Governor in Commission.

(3) The expression “real property” shall be held to refer to and include:

(a) Land.

(b) All buildings and any part of any building and all machinery and fixtures erected or placed therein or thereon, in, over, under or affixed to land.

(c) All structures and fixtures erected or placed upon, in, over, under, or which are affixed to, any highway, land or other public communication or water.

**45.** All rates, taxes and assessments upon real property shall be payable half-yearly in advance and shall be payable.

be and become due on the first days of January and July in every year unless the Council shall determine otherwise.

**Exemptions  
from tax.**

**46.** The following properties shall not be subject to taxation:

- (a) Lands and buildings belonging to His Majesty.
- (b) Lands and buildings held and used for public worship.
- (c) Lands and buildings used for educational purposes.
- (d) Lands and buildings held and occupied by religious or charitable institutions, and used for religious or charitable purposes.
- (e) Churchyards, cemeteries or burying-grounds.

**Entertainment  
tax.**

**47.—(1)** The Council shall have power to impose a tax to be known as the entertainment tax, upon all theatrical, musical, cinematograph, dancing, pantomime, athletic, circus or other kind of public performance, exhibitions or entertainments.

**(2)** The entertainment tax may be imposed either directly upon the person or companies responsible for the management of any such entertainments or upon the payments made for admission thereto, and may in either case be collected at such times in such manner and by such methods as the Council shall from time to time by regulation prescribe. In particular, and without prejudice to the generality of the foregoing, the Council may require that admission to any such entertainment shall be by ticket to be procured from the Council by the persons or companies responsible for the management thereof.

(3) The rate of the entertainment tax may be fixed from time to time by the Council subject to the approval of the Governor in Commission and may be varied as between local and foreign performers, exhibitors or entertainers, and as between different kinds of entertainments.

**48.** Whenever it is shown to the satisfaction of the Council that the profits of any entertainment are to be from applied to the relief of poverty, the advancement of education, or the promotion of religion, the entertainment tax shall not be levied on such performance; and the Council may in its discretion waive the tax in the case of athletic games and artistic, scientific or educational exhibitions or entertainments on proof that the profits thereof are to be applied to the promotion of athletics, art, science or education, and not to the private gain of any person or company.

**49.** Any person authorized by the Council for the purpose in writing under the hand of the chairman of the Council shall on production of his authority be admitted gratis to any place of entertainment while the entertainment is proceeding, and to any place ordinarily used as a place of entertainment at all reasonable times, with a view of seeing whether the provisions of any regulation made with regard to the entertainment tax are being complied with; and any person who prevents or obstructs the entry of any person so authorized shall be guilty of an offence under this Act and liable upon summary conviction to a penalty not exceeding one hundred dollars and in default of payment to imprisonment not exceeding three months.

**50.** In addition to the foregoing the Council shall have Sundry taxes. power to impose, sue for and collect the following taxes—

- (a) A tax of five dollars payable not more than once in every year on every commercial agent not resident in the Town and doing or soliciting any business therein.
- (b) A tax of five dollars payable not more than once in every year on every motor vehicle owned by any person residing within the Town and carrying goods or passengers for hire or reward within the limits of the Town.
- (c) A tax of five dollars to be known as the poll tax upon all male persons of the age of twenty years or over residing or employed within the Town for any continuous period in excess of three months in any calendar year, payable not more than once in every year: Provided that any person who shall have paid any tax in the same financial year under the provisions of Section 42 or Section 43 or Section 44 of this Act shall not be liable for the poll tax in that year unless the total amount of such other taxes paid by him shall be less than five dollars in which case such person shall be liable to pay as poll tax in that year such sum as shall be necessary to make the total amount of tax paid by him in that year the sum of five dollars.
- (d) A tax of fifty cents per ton on all coal delivered to the Town.

*Prohibition of  
exemption or  
remission.*

**51.** The Council shall not grant any exemption or remission from taxes to any person, firm or company, and no contract, agreement or stipulation with any person, firm or company for any exemption or remission from taxes shall be valid.

*Interest on  
taxes in  
arrears*

**52.** All taxes shall bear interest at the rate of six per centum per annum which interest shall begin to run one year after such taxes become due.

**53.**—(1) Whenever the Council is satisfied that a debtor for arrears of taxes is able and willing to pay off such arrears in full upon obtaining a waiver or compromise of the amount due by him for arrears of interest thereon and that it is for the benefit of the Town to abate such interest, the Council shall have power to make such waiver or compromise and write off the balance of such interest from its books.

(2) No such waiver or compromise shall be made unless by the unanimous vote of the Council and with the approval of the Governor in Commission.

Power to waive  
or compromise  
arrears of  
interest.

Waiver or  
compromise  
only on  
unanimous  
vote of  
Council.

**54.**—(1) All taxes imposed upon any person in respect of any property within the Town shall for a period not exceeding six years from the date when due attach to and upon the property in respect of which the same are imposed whether in the hands of such person or in the hands of any other person to whom the said property may come by conveyance, foreclosure, devolution at law, or otherwise howsoever except by sale for taxes at the suit of the Council; and any such last mentioned person shall upon the property coming to him become and continue liable for the same, without prejudice however to the liability of the person who owed the same at the time of such conveyance, foreclosure or devolution: Provided always that nothing herein contained shall require such taxes to be paid more than once.

Lien for taxes.

(2) The chairman shall upon demand furnish to any actual or proposing purchaser or mortgagee of any property, or to any solicitor, a certificate under his hand stating the total indebtedness, if any, due and accrued up to the date of the certificate and then unpaid in respect of such property, which certificate shall as between the Council and a purchaser or mortgagee and his assigns be conclusive as to the amount of taxes owing or accrued due to the Council at the date of such certificate.

(3) All moneys due to the Council by any person shall in the insolvency of such person be a preferential claim next after moneys due the Crown: Provided such debit is not contracted longer than three years prior to the date of such insolvency.

(4) Where a debtor to the Council for taxes holds property under a building lease and such property reverts to the ground landlord by any means other than by the expiry of the term of years created by such lease all taxes payable by the tenant theretofore unpaid or accrued due to the Council shall attach upon the said property in the hands of the landlord.

(5) It shall be deemed to be a condition of all mortgages of real property within the Town whether heretofore or hereafter made that the mortgagee may pay any amount owing to the Council and unpaid in respect of the mortgaged property and add such amount to his security, any clause or condition in any such mortgage contained to the contrary notwithstanding.

(6) For the purpose of enforcing the lien or charge in favour of the Council given by subsections (1) and (4) of this section the Council shall be entitled to proceed by foreclosure in the same manner as if the Council held a mortgage on the property to which such lien or charge attaches, ranking in priority to all other encumbrances on the said property, whether registered or unregistered.

Appraisement  
of property for  
tax.

55. For the purpose of providing a basis and means by which to fix, establish and impose the real property tax and stock tax hereinbefore provided for, the Council shall appoint one or more appraisers whose appointment shall be subject to the approval of the Governor in Commission and who shall be sworn before a Justice of the Peace faithfully to discharge the duties of their office and who shall appraise, determine and return not less frequently than once in every three years the capital or rental value as may be determined by the Council of all assessable

real property within the Town and the value of all stock-in-trade kept within the Town and subject to tax as hereinbefore provided and they shall deposit the books of such appraisement, when complete, with the chairman of the Council and notice shall be given by the Council to all persons whose appraisement is in excess of the next preceding appraisement stating the amount of such increase and to all persons then newly appraised stating the amount of such appraisement.

**56.** The chairman shall deposit the books of appraisement with the Stipendiary Magistrate at Corner Brook or such other person as the Governor in Commission may appoint for this purpose and the said books of appraisement shall be open to the examination of all persons interested therein and the chairman shall publish in a newspaper published or circulating in the Town the date of deposit of the books of appraisement and that they are open to examination of persons interested therein.

**57.** The Stipendiary Magistrate at Corner Brook or such other person as shall have been approved by the Governor in Commission for the purpose of revising the books of appraisement shall, after the expiration of fourteen days after the books of appraisement have been deposited, at certain times within the fourteen days thence following to be notified in a newspaper published or circulating in the Town, which time, however, the Magistrate or such other person may extend if the number of objections renders it impracticable to complete the revision within fourteen days, hear and determine applications for the revision of such appraisement and it shall be competent for any person interested therein and for the Council by notice in writing to be filed in the office of the said Stipendiary Magistrate and served on the said appraisers or one of them prior to or during a period set for hearing of applications, to object to the amount for which property or interest therein may have been appraised, which objection the said Stipendiary Magistrate shall hear and determine and amend or con-

firm the appraisement accordingly and after the completion of such revision the said appraisement subject to the right of appeal hereinafter provided shall be final and binding on all parties until a new appraisement and revision shall have been made.

**Appeal from  
decision of  
Magistrate on  
appraisement.**

**58.** Any party who may feel aggrieved by the decision of the Stipendiary Magistrate in respect of any appraisement or assessment shall have the right to appeal therefrom to the Supreme Court or a Judge thereof upon giving notice within ten days of the decision of such intention to appeal, and upon paying into Court such a sum as may be sufficient to defray the costs of such appeal or giving a bond for the same and upon making and filing an affidavit setting forth the grounds of the appeal.

**Production of  
documents, etc.,  
to appraisers.**

**59.** Every person being the owner or occupier of any property subject to taxation or the agent of such owner or occupier shall produce to an appraiser on demand such conveyances, leases, assignments and other deeds and documents and such books, accounts, vouchers and insurance policies in his possession or control as the appraiser may require for the purpose of valuing such property for taxation under a penalty not exceeding five dollars per day for every day during which such refusal persists.

**Furnishing of  
information for  
stock tax and  
arbitrary  
appraisal in  
default.**

**60.** In addition to any books and accounts required by an appraiser to determine the stock tax every person liable thereto shall upon request furnish to an appraiser written information and evidence on oath as to the value of his stock-in-trade and if such information shall not be furnished or if insufficient information shall be furnished for the appraiser to determine the value of the stock in trade assessable to tax he may arbitrarily determine the value thereof and enter in his books of appraisement accordingly a note of the circumstances.

**Publication of  
taxes and  
rates; approval  
of Governor in  
Commission  
thereto.**

**61.** The Council shall publish in the Newfoundland Gazette and in one other newspaper published or circulating in the Town a copy of every minute of the Council

whereby any tax is imposed or rate determined and where the approval of the Governor in Commission to such tax or rate is required shall also publish therewith a notice of the date when such approval was given.

**62.** All deeds or documents to which the Council is a party and to which a seal is requisite, shall be authenticated by the corporation seal, and the chairman of the Council shall, when duly authorized, affix the seal and sign the deed or document and all contracts not under seal when duly authorized by the Council shall be signed by the chairman.

**63.** No action shall be commenced against the Council for anything done in pursuance of the provisions of this Act until one month after notice in writing shall have been delivered to the chairman, or to the vice-chairman, or left at the place of meeting of the Council by the party who intends to institute such action, his attorney or agent. In such notice shall be clearly and explicitly contained the cause of action, the name and place of abode of such party and the name and place of abode of his attorney or agent.

**64.** The Council shall have power subject to the approval of the Governor in Commission to borrow moneys and to issue securities for the repayment of moneys borrowed.

**65.** The Council shall have power to appropriate and pay out of the funds at its disposal salaries or remuneration to officers, auditors and employees of the Council and the general expenses of the Council and generally all other expenditures incurred in the execution of the powers and duties by law vested in the Council or its officers.

**66.** The Governor in Commission shall have power by any official thereto authorized by him, to investigate at any time the books, records and accounts of the Council,

and to inspect all work done or being done or to consider any work proposed to be done by the Council; and the Governor in Commission may disallow any such work or direct that it do not proceed, and may vary or disallow any expenditure made or proposed to be made by the Council or any salary or remuneration paid or proposed to be paid by the Council or any resolution or decision either on the foregoing subjects or on any other subject passed or made by the Council; and any order made by or on behalf of the Governor in Commission under this section shall be entered in the books of the Council and shall have effect as if it were a resolution of the Council, save that it may not be revised or varied by the Council without the consent in writing of the Governor in Commission.

**Governor in  
Commission  
may depute  
powers to  
Commissioner.**

**67.** The powers and duties of the Governor in Commission under this Act except the powers conferred by Section 11 may be exercised on his behalf by any member of the Commission of Government appointed for that purpose by the Governor in Commission.

**Short title.**

**68.** This Act may be cited as The Town of Corner Brook West Act, 1942.

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AN ACT FURTHER TO AMEND THE ST. JOHN'S MUNICIPAL ACT, 1921, AND ACTS IN AMENDMENT THEREOF

[19th November, 1942]

**SECTION**

- 1.—Repeal and substitution  
Sec. 55 of Principal Act,  
and Sec. 24 of 22 Geo. V.  
(1931) Cap. 9.
- 2.—Amdt. Sec. 155 of Principal Act.
- 3.—Repeal and substitution  
Sec. 239 of Principal Act.
- 4.—Repeal and substitution

**SECTION**

- Sec. 241 of Principal Act  
(1937).
- 5.—Council to complete work  
of Municipal Arrears  
Commission.
- 6.—Amdt. Sec. 319 of Principal Act.
- 7.—Amdt. Sec. 334 of Principal Act.

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government as follows:

1. Section 55 of the St. John's Municipal Act, 1921, Repeal and (hereinafter called the Principal Act) and Section 24 of substitution the Act 22 Geo. V. (1931) Chapter 9, entitled "An Act to Amend the St. John's Municipal Act, 1921" are hereby repealed, and the following is substituted for the said (1931) Cap. 9. Section 55:—

55.—(1) It shall be lawful for the Mayor summarily to suspend until the next meeting of the Council and without pay, any employee of the City for neglect of duty, idleness, inebriety or insubordination but otherwise neither the Mayor nor any Councillor or Committee of the Council shall

- (a) directly or indirectly interfere in the employment or discharge of labourers;
- (b) intervene to postpone or prevent the collection of any tax, rate, assessment, rent, licence fee or other amount due to the City; or

(c) condone any breach of the provisions of this Act or of any bye-laws, rules or regulations made thereunder;

and any person contravening any of the foregoing provisions of this section shall for each offence be subject to a penalty of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate by any person who shall sue for the same.

(2) No employee or other person in charge of or performing work for the Council shall in the performance of his duties obey instructions from anyone except his own foreman, superintendent or other superior officer for the time being, or given to him in writing by the Council through the head of the department for which he is working or through the City Clerk.

<sup>Amdt. Sec. 155</sup> **2.** Section 155 of the Principal Act as amended by Act of Principal Act. No. 21 of 1941 is hereby further amended by striking out therefrom the words following, that is to say:—

“and provide that from the date of expiry of an annual licence until its renewal the burden of proof that the holder of the expired licence is not driving for hire shall rest upon him”

<sup>Repeal and substitution</sup>  
Sec. 239 of Principal Act.

**3.** Section 239 of the Principal Act as heretofore amended is hereby repealed and the following substituted therefor with effect from the thirtieth day of June, 1942:—

239.—(1) The City Tax, Ground Landlords' Tax, Vacant Land Tax and Stock Tax shall be due and payable half-yearly in advance on the first day of January and the first day of July in each year. The person or company liable for such payment is hereinafter called a taxpayer.

(2) (a) A taxpayer paying any of the said taxes at the office of the City Clerk on or before the 31st day of January or the 31st day of July in the half-year period for which it is due shall be entitled to a discount on the amount of such half-yearly tax at a rate or rates to be fixed from time to time by the Council but not in any event to exceed ten per cent.

(b) A taxpayer paying any of the said taxes at the office of the City Clerk after the said 31st day of January or the said 31st day of July but on or before the 1st day of April or the 1st day of October in the half-year period for which it is due shall be entitled to a discount on the amount of such half-yearly tax at a rate or rates to be fixed from time to time by the Council, but not in any event to exceed five per cent.

(c) No discount shall be allowed to any taxpayer who is indebted to the Council for any arrears of the tax so paid: Provided, however, that any taxpayer who shall pay his current half-year taxes together with a sum equal to not less than ten per cent. of the amount of the arrears then due and owing by the taxpayer shall be entitled to receive the discount provided for in subsection (a) or (b) of this section in respect of the current half-year taxes then paid by the taxpayer.

(3) All interest on taxes and assessments which shall be in arrear and unpaid on the thirtieth day of June, 1942, shall be cancelled and written off from the books of the Council: Provided, however, that nothing in this subsection contained shall affect any arrangement or compromise heretofore entered into by the Council or the Municipal Arrears Commission with any taxpayer, nor shall the Council refund or give new credit to any tax-

payer for any interest paid before the thirtieth day of June, 1942. Should any dispute arise between a taxpayer and the Council as to the division of his indebtedness between principal and interest, the same shall be decided by the City Clerk, whose decision shall be final and binding on both parties.

(4) Except as provided in subsection three of this section:—From and after the thirtieth day of June, 1942, no interest shall be chargeable on any taxes or assessments in arrear until they have been due and unpaid for twelve calendar months, in which case the Council may by resolution subject them to simple interest at a rate from time to time to be fixed by the Council, but not in any event to exceed three per cent. per annum.

(5) The Council may immediately after the first day of April and the first day of October in each year take proceedings to recover all amounts due for taxes, assessments, rents and licence fees then owing and unpaid, including those due for the current half-year, and shall take proceedings to recover any of the said amounts which have been due and unpaid for twelve calendar months.

Repeal and  
substitution  
Sec. 241 of  
Principal Act.

4. Section 241 of the Principal Act as enacted by Section 8 of Act No. 12 of 1937, in substitution for the original section, is hereby repealed and the following substituted therefor:—

241.—(1) The Council shall have power to reduce or remit payment of any general tax on account of the poverty of any person liable to the payment thereof.

(2) Every applicant for such a reduction or remission shall submit with his application an affidavit in such form as may from time to time be approved by the Council, sworn by himself or by someone on his behalf intimately acquainted with his financial circumstances, setting forth in detail the grounds for such application.

(3) If in the opinion of the Council such application and affidavit disclose a *prima facie* case for such reduc-

tion or remission the matter shall be deferred for a period of thirty days to permit investigation by some official of the Council, whose duty it shall be to investigate the facts and report his recommendations to the Council.

(4) The Council shall not be bound by such recommendations, but shall take them into account in arriving at its decision on the application, from which decision there shall be no appeal.

(5) This section shall apply as well to general taxes accrued due and unpaid since the 31st day of December, 1937, as to taxes falling due after the passing of this **Act**.

5. Whereas the Municipal Arrears Commission appointed in the year 1938 pursuant to Section 242 of the Principal Act finally went out of office on the 31st day of December, 1941, and it is desirable that provision should be made for carrying into effect and enforcing agreements entered into by the said Commission with debtors but not completely carried out prior to the said 31st day of December, 1941, and for collecting or making compromises or arrangements for the payment of or for writing off certain arrears which were not dealt with by the said Commission for reasons stated in its Final Report; it is hereby enacted that the St. John's Municipal Council shall have and may exercise all such powers formerly possessed by the said Commission as are necessary or proper for dealing as aforesaid with such of the arrears entrusted to the jurisdiction of the latter as have not been completely disposed of by such Commission: Provided, however, that no compromise or arrangement made by the Council with a debtor shall be valid unless at least four of the six Councillors shall vote for it, nor unless the City Clerk shall first have investigated the grounds for such debtor's claim and reported favourably thereon.

Council to  
complete work  
of Municipal  
Arrears  
Commission.

6.—(1) Section 319 of the Principal Act is hereby Amdt. Sec. 319 amended with effect from the first day of September, 1942, of Principal Act. as follows:—

- (a) by inserting in subsection (b) thereof immediately after the word "Sewerage" a comma and adding thereafter the word "Sanitary";
- (b) by repealing subsections (d) and (e) thereof and substituting therefor the following:—
  - (d) To manage and have charge of the construction, improvement, repair and maintenance of streets, sidewalks, bridges, water and sewerage systems and all other City works, buildings and properties and of all premises and equipment belonging to or used in connection with the departments under his charge;
  - (e) To oversee the carrying out of all provisions of this Act and of all rules, regulations and bye-laws made thereunder with reference to matters coming within the scope of the departments under his charge and to report to the Council all such breaches of the same as shall come to his knowledge;
- (c) by striking out the semicolon at the end of subsection (g) thereof and substituting a comma and adding thereafter the following words:—
 

"and he shall have power of himself or through a duly authorized officer of his department to suspend for cause superintendents, assistant superintendents, foremen, mechanics, labourers, and clerks under his control in the employ of the Council, but shall report in writing to the next meeting of the Council the reason for such suspension";

Amdt. Sec. 334 of Principal Act. 7. Section 334 of the Principal Act is hereby amended by adding at the end thereof the words following, that is to say:

“An offence against this section shall, without prejudice to any other remedies which the Council may possess, render the owner of the building liable to a fine of not less than one dollar nor more than five dollars for every day during which the unauthorized change in the use of the building shall continue: Provided, however, that if such unauthorized change is made by an occupier without the knowledge and consent of the owner the latter shall be entitled to claim over against such occupier for all expenses and penalties incurred by the owner in consequence of such offence.”

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AN ACT TO AUTHORIZE THE RAISING OF A SUM  
OF MONEY BY LOAN

[7th November, 1942]

**SECTION**

- 1.—Authority to raise loan of \$1,500,000.
- 2.—Application of said loan.
- 3.—Powers of Governor in

**SECTION**

- Commission in relation to loan.
- 4.—Sinking Fund.
- 5.—Short title.

A.D. 1942.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Authority to  
raise loan of  
\$1,500,000.

**1.** The Governor in Commission shall have power to raise upon the credit of Newfoundland a loan not exceeding the sum of one and one-half million dollars (\$1,500,000) which sum together with interest thereon at the rate of three and one-quarter per centum per annum payable half-yearly on the first days of June and December in each year, shall be chargeable upon and repayable out of the Consolidated Revenue Fund in the manner hereinafter provided on or before the first day of December, 1957.

Application of  
said loan.

**2.** The said sum shall be applied towards the redemption at its maturity of the outstanding balance of the five per centum sterling loan authorised under the Railway Settlement Act, 1923.

Powers of  
Governor in  
Commission in  
relation to  
loan.

**3.** Subject as hereinbefore provided with regard to the amount of the said loan, the rate of interest payable thereon, the time of payment of such interest, the assets chargeable with the said loan, and the interest thereon, and to the time within which such loan shall be repayable, the Governor in Commission shall have and may exercise all such powers as shall be necessary or proper for conducting all business connected with—

(a) the raising of the said loan;

- (b) the issue of securities therefor;
- (c) the management of such securities and the payment of interest thereon; and
- (d) the making of proper provision for the payment of the said loan.

4.—(1) A Sinking Fund shall be established under the control of Trustees to be appointed by the Governor in Commission.

(2) There shall be paid to the Sinking Fund on the first day of December in each year a sum equivalent to two per centum of the nominal amount of money raised under the provisions of this Act and the first payment to the Fund shall be made not later than the first day of December, 1943.

(3) The Sinking Fund moneys and the income arising therefrom shall, subject to the payment thereout of the expenses of management of the Fund, be applied in the purchase of securities issued under the provisions of this Act or be invested in such other securities as may from time to time be approved by the Governor in Commission.

5. This Act may be cited as The Loan Act, 1942.

Short title.

AN ACT TO AMEND THE ST. JOHN'S SHOPS  
ACT, 1942

[18th November, 1942]

1.—Amdt. Sec. 5 subsection (8).

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:**

Amdt. Sec. 5  
subsection (8) **1.** Subsection (8) of Section 5 of The St. John's Shops  
Act, 1942, is hereby amended by inserting before the  
word "assistants" in the third line thereof the words  
"male shop".

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AN ACT RESPECTING THE IMPORTATION AND  
SALE OF SEEDS

[31st December, 1942]

SECTION

- 1.—Interpretation.
- 2.—Regulations.
- 3.—Power to make regulations respecting licences to import certain seeds.
- 4.—Sale of certain seeds prohibited if below minimum standards.
- 5.—Importation and sale of certain seeds prohibited unless containers marked.
- 6.—Appointment of inspectors and official seed analysts.
- 7.—Powers of inspectors.
- 8.—Obstruction of inspectors; penalty.

SECTION

- 9.—Taking of official samples.
- 10.—Manner of forwarding official samples to analyst.
- 11.—Examination of official samples by analyst.
- 12.—Certificate of analyst as evidence.
- 13.—Publication of regulations.
- 14.—Regulations in Schedule to have effect.
- 15.—General penalty.
- 16.—Prosecutions in whose name taken.
- 17.—Right of civil process.
- 18.—Short title.
- Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1942  
the Commission of Government, as follows:

1. In this Act and in any Regulations made under this Interpretation. Act, unless the context otherwise requires,

- (a) “Commissioner” means the Commissioner for Natural Resources.
- (b) “container” includes every package, sack, bag, barrel, bin, case or other receptacle.
- (c) “sealed container” means any container so closed as to prevent its being opened without discovery.

2. The Governor in Commission may by regulation **Regulations.** prescribe

- (a) the kinds of seeds to which this Act shall apply;
- (b) the species of plants to the seeds of which this Act shall apply;
- (c) the minimum standard of quality and percentage of purity for the various kinds of seeds to which this Act shall apply;
- (d) the species of plants the seeds of which may be deemed to be prohibited noxious, primary noxious or secondary noxious weed seeds and the species of plants the seeds of which may be deemed to be other weed seeds within the meaning of this Act and regulations hereunder;
- (e) the minimum percentage of germination for each kind of seed below which any such seed shall not be imported, sold or offered for sale;
- (f) whatever may be deemed necessary to secure the efficient enforcement of this Act.

**Power to make regulations respecting licenses to import certain seeds.** 3. The Governor in Commission may make regulations prohibiting the importation into Newfoundland of any seed to which this Act applies save under licence and such regulations may authorize the Commissioner to issue such licence and may prescribe the form of such licence and of the application therefor and the conditions subject to which each licence may be granted and may require every importer of seed to which this Act applies to furnish to the Commissioner such information and documents respecting each shipment as may by such regulations be prescribed and such regulations may provide for the granting of exemptions by the Commissioner.

**Sale of certain seeds prohibited if below minimum standards.** 4. No person shall sell or offer for sale for seeding seeds of cereal grains, forage crops, field roots, garden vegetables or any other kind of seed that may from time to time be prescribed by regulations under this Act

unless such seeds conform to the minimum standards prescribed for such seeds by regulations under this Act.

5. No seed prescribed by regulations under this Act shall be imported or sold or offered for sale for seeding unless each container thereof is correctly and legibly marked with the name of the kind or species and the name of the variety of the seed therein and the weight of such seed and the grade of such seed in the country of origin.

6. The Commissioner shall have power to appoint such inspectors and official seed analysts as he shall deem necessary to carry out the provisions of this Act and regulations made under this Act and may prescribe their titles and duties and make general rules for their conduct and employment.

7. Any inspector appointed under this Act may enter upon any shop, store, building, wharf, premises or place, vehicle, vessel or boat, including any shop, store, building, wharf, premises or place, vehicle, vessel or boat of the Newfoundland Railway, and examine any seeds therein and the owner or person in charge of such shop, store, building, wharf, premises or place, vehicle, vessel or boat shall disclose to and make available for examination by such inspector all seeds therein and shall show to him upon demand all books, invoices, letters and documents of every kind relating to any shipment.

8. Any person who fails to comply with the provisions of the last preceding section and every person who obstructs or resists an inspector in carrying out the provisions of this Act or regulations made under this Act shall be liable on summary conviction to a fine not exceeding two hundred dollars, and, in default of payment, to imprisonment for a term not exceeding three months.

**Taking of official samples.**

**9.**—(1) Any inspector charged with the enforcement of this Act may take an official sample of any seed to which this Act applies, for which sample the owner shall, on demand, be paid in accordance with the amount taken at its current value, and such inspector shall forward such official sample to an official seed analyst for inspection, testing and report on any seed so submitted.

(2) An official sample shall consist of approximately one pound of cereal grain, two ounces of beans, peas, pumpkins, squash, swiss chard and vegetable marrow seed, four ounces of the seeds of plants listed as forage crops, and one-half to one ounce of any other kind of seed.

(3) An official sample may be taken from any part of a container or a bulk: Provided that when the seeds are in paper packets a whole packet may, subject to the provisions of subsection (2) of this section, be taken.

**Manner of forwarding official samples to analyst.**

**10.** Official samples shall be forwarded in a sealed container, together with a certified statement enclosed, which shall include the name of the person taking the sample, the name and address of the person who imported or sold or offered for sale the seed from which the said sample was taken, the manner in which the container was marked, and the section or sections of this Act or of regulations under this Act of which there is a suspected violation.

**Examination of official samples by analyst.**

**11.** The official seed analyst shall examine all official samples of seed taken by inspectors to determine whether or not they conform to the standards prescribed by regulations under this Act.

**Certificate of analyst as evidence.**

**12.** In any prosecution under this Act or regulations under this Act the certificate of test or analysis of the official seed analyst on any official sample of seed received by him under the provisions of this Act shall be admissible in evidence upon production thereof by an in-

spector and shall be accepted as prima facie proof of the particulars in the said certificate set forth.

**13.** All regulations made under this Act shall be published in the Newfoundland Gazette and shall be effective as from the date of such publication or such later date as may by such regulations be appointed. Publication of regulations.

**14.** Until repealed in whole or in part, or amended, as the same may be from time to time, by regulations made under the provisions of this Act, the regulations set forth in the Schedule to this Act shall have effect and shall apply and may be referred to as regulations under this Act. Regulations in Schedule to have effect.

**15.** Every person who shall commit a breach of any of the provisions of this Act or of any regulations made under this Act, where no penalty is by this Act expressly provided, shall be liable for each breach on summary conviction to a fine not exceeding one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding two months. General penalty.

**16.** All prosecutions for breaches of this Act or any regulations made under this Act may be taken in the name of the Commissioner or an inspector appointed under this Act. Prosecutions in whose name taken.

**17.** No proceedings taken or conviction recorded under this Act or any regulations made under this Act shall in any way affect the right of any person to any legal remedy to which he may otherwise be entitled. Right of civil process.

**18.** This Act may be cited as The Seeds Act, 1942. Short title.

**SCHEDULE****Schedule.****REGULATIONS**

**1.** The Seeds Act, 1942, shall apply to the seeds of cereal grains, forage crops, field roots and garden vegetables.

**2.** The species of plants the seeds of which may be classed as cereal grains, forage crops, field roots and garden vegetables shall be as follows:

**(a) CEREAL GRAINS**

Oats, Barley, Rye, Wheat, Beans, Buck Wheat, Flax, Field Peas.

**(b) FORAGE CROPS**

Alsike, Clover, Meadow Fescue, Red Clover, Phalaris Orchard Grass, Rape, Alfalfa, Canada Bluegrass, Kentucky Bluegrass, Wild White Clover, Timothy, Red Top.

**(c) FIELD ROOTS AND GARDEN VEGETABLES.**

Artichoke, Asparagus, Beans, Garden Beet, Mangle, Swiss Chard, Cabbage, Cauliflower, Kale, Broccoli, Brussel Sprouts, Kohl Rabi, Swede Turnip, Carrot, Celery, Chives, Cucumber, Leaks, Lettuce, Mustard, Onion, Parsley, Parsnip, Peas, Pepper, Pumpkin, Radish, Sage, Savory, Spinach, Squash, Tomato, Vegetable Marrow.

**3.** The minimum standards for seeds of cereal grains, forage crops, field roots and garden vegetables shall be such as are set forth in the following Tables:

TABLE 1  
Cereal Grains.

Kind of Seed	Weed Seeds			Percentage Germination
	Maximum prohibited noxious weed seeds per pound	Maximum primary noxious weed seeds per pound	Maximum primary and/or secondary noxious weed seeds per pound	
Oats				
Barley				
Rye				
Wheat				
Beans				
Buckwheat				
Flax (a)				
Field Peas	Free	2	5	50
				150
				75%

(a) Except flax for which the maximum totals under this table shall apply per ounce.

TABLE 2  
Forage Crops.

Kind of Seed	Weed Seeds			Minimum Percentage Germination
	Maximum Prohibited noxious weed seeds per ounce.	Maximum primary noxious and/or secondary noxious weed seeds per ounce.	Maximum noxious and/or other seeds per ounce.	
Alfalfa, Aisike, Clover, Meadow Fescue, Orchard Grass, Rape, Red Clover, Phalaris, Timothy, Wild White Clover, Red Top, Canada Bluegrass, Kentucky Bluegrass.	5 (b) Free	20 (c)	200	4 70 60

(a) Germination means pure living seed.  
 (b) 10 weed seeds per ounce allowed under Aisike Clover and Wild White Clover.  
 (c) 50 weed seeds per ounce allowed under Aisike Clover and Wild White Clover.

TABLE 3  
Field Roots and Garden Vegetables.

Kind of Seeds	Field Roots	W <sup>e</sup> ed Seeds	Minimum Percentage Germination
Artichoke, asparagus, beans (garden), beet, mangel, swiss chard, cabbage, cauliflower, kale, brussel, brussel sprouts, koh-l-rabi, swede turnip, carrot, celery, chives, eucum-ber, leaks, lettuce, mustard, onion, parsley, pep-pe-ri, pumpkin, squash, spinach, swiss chard, vegetable marrow, tomato, onion.	Maximum prohibited noxious weed seeds per ounce and for mangel per pound.	Maximum primary noxious weed seeds per ounce and for mangel per pound.	Maximum noxious and/or secondary noxious weed seeds per ounce and for mangel per pound.
beans, brussel sprouts, cabbage, lettuce, koh-l-rabi, peas, radish, swede turnip, kale.	Celery, carrot, parsnip, sage, savory.	Celery, carrot, parsnip, sage, savory.	65
Free	Free	55	60

## WEEDS

4. The species of plants the seeds of which may be deemed to be prohibited noxious, primary noxious or secondary noxious weed seeds, and also other plants the seeds of which may be deemed to be other weed seeds within the meaning of the Act, shall be:—

### Class 1.—Prohibited Noxious Weeds

#### Tables 1, 2 & 3

Dodder.

\*Field Bindweed.

Hemp.

Hoary cress.

Johnson grass.

Leafy spurge.

Russian knapweed.

\*Except Field bindweed which shall be classed as a "Prohibited Noxious Weed" under Table 1, and a "Primary Noxious Weed" under Tables 2 & 3.

### Class 2.—Primary Noxious Weeds

#### Tables 1 & 2.

Bladder campion.

Couch grass.

Darnel.

Field bindweed.

Forked catchfly.

Oxeye daisy.

Perennial sow thistle.

Ragweed great.

Red cockle.

White cockle.

Wild mustard.

Wild radish.

**Class 3.—Primary Noxious Weeds****Table 3.**

- Bladder campion.
- Field bindweed.
- Perennial sow thistle.
- White cockle.
- Wild mustard.

For the purpose of table 3 other primary noxious weeds included under Class 2 shall be considered as secondary noxious weeds.

**Class 4.—Secondary Noxious Weeds****Tables 1, 2 & 3.**

- Ball mustard.
- Blue weed.
- Canada thistle.
- Chicory.
- Cow cockle.
- Dock.
- Dog mustard.
- Downy brome.
- False flax.
- Field peppergrass.
- Hare's-ear mustard.
- Hoary alyssum.
- Night-flowering catchfly.
- Poverty weed.
- Purple cockle.
- Ragweed, common.
- Ragweed, perennial.
- Ribgrass.
- Russian thistle.
- Stickseed.
- Stinkweed.
- Tumbling mustard.
- Wild carrot.
- Wild oat.
- Winter cress or Yellow rocket.
- Yellow cress.

## Class 5.—Other Weeds.

Amaranth.  
American pennyroyal.  
Aster.  
August flower.  
Avens.  
Barley wild.  
Barnyard grass.  
Beckmann's grass.  
Bedstraw.  
Beggartick.  
Bergamot, wild.  
Bird's foot trefoil.  
Bird's foot.  
Black medick.  
Blue eyed grass,  
Blue field madder.  
Blue lettuce.  
Brome grass.  
Buckwheat, wild.  
Bugle weed.  
Buttercup.  
Canary grass.  
Catnip.  
Cats-ear.  
Chamomile, wild.  
Chess.  
Chickweed.  
Cinquefoil.  
Clover (other than *Trifolium, hybridum, incarnatum, pratense, repens* and *dubium*).  
Corn gromwell.  
Corn salad.  
Crabgrass.  
Dandelion.  
Dock.  
Dragonhead, American.  
Evening primrose.  
Eyebright.

False wild oat.  
Fleabane.  
Forget me-not.  
Foxtail, green.  
Foxtail, yellow.  
Foxtail grass.  
Gaillardia, wild.  
**Gaura.**  
Gentian.  
Geranium.  
Goldenrod.  
Ground cherry.  
Groundsel.  
Gumweed.  
Hair grass.  
Hawk's beard.  
Hawkweed.  
Heal-all.  
Hedge bindweed.  
Hedge nettle.  
Hemp nettle.  
Hyssop.  
Knotweed.  
Lady's thumb.  
Lamb's quarters.  
Liquorice, wild.  
Loose strife.  
Lupine, wild.  
Lyme grass.  
Mallow.  
Manna grass.  
Mayweed.  
Meadow rue.  
Milk vetch.  
**Mint.**  
Motherwort.  
Mustard, hedge and **tansy**.  
Mustard, tower.  
Mustard, wormseed.

Nipple wort.  
Orach.  
Ox-tongue.  
Panic grass.  
Paspalum grass.  
Peppergrass.  
Phlox, wild.  
Plantain.  
Poppy.  
Poverty weed.  
Prairie rose.  
Prickly lettuce.  
Purslane.  
Rat's tail fescue.  
Rocket.  
Rough hair grass.  
Rush.  
Rush grass.  
Russian pigweed.  
Sandwort.  
Sand spurrey.  
Scarlet pimpernel.  
Sedge family.  
Sheep sorrel.  
Shepherd's purse.  
Sleepy catchfly.  
Sow thistle, annual.  
Sow thistle, spiny leaved.  
Spear grass.  
Speedwell.  
Spider flower.  
Spiny Cida.  
Spurge.  
Spurrey.  
St. John's-wort.  
Star thistle.  
Sunflower, wild.  
\*Sweet Clover.  
Sweet grass.

Tarweed.  
Thistle.  
Three-seeded mercury  
Toad flax.  
Velvet grass.  
Velvet leaf.  
Vernal grass.  
Vervain.  
Vetch, wild.  
Wallflower.  
Water hemlock.  
Wheat grass.  
Whitlow grass.  
Wild oat grass.  
Wolfberry.  
Wood sorrel.  
Yarrow.  
Yellow daisy.  
And any other weeds not named above.

\*Sweet clover shall only be considered a weed when present in other cultivated kinds.

**AN ACT FURTHER TO AMEND CHAPTER 188 OF  
THE CONSOLIDATED STATUTES (THIRD SER-  
IES) ENTITLED "OF WEIGHTS AND MEASURES  
AND THE INSPECTION OF LUMBER".**

[31st December, 1942]

SECTION	SECTION
1.—Repeal and substitution Sec. 27.	2.—Repeal and substitution Sec. 44.

**A.D. 1942.**

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:**

**Repeal and  
substitution  
Sec. 27.**

**1.** Section 27 of Chapter 188 of the Consolidated Statutes (Third Series) entitled "Of Weights and Measures and the Inspection of Lumber" is hereby repealed and the following substituted therefor:

27.—(1) Salt may be sold by measure or by weight; if sold by weight each ton shall contain two thousand two hundred and forty pounds, and if sold by measure there shall be eighteen gallons to a tub and three tubs to a hogshead.

—(2) The standard of measure for sand shall be the barrel and each barrel shall contain eighteen Imperial gallons.

—(3) Any person who shall sell or dispose of salt or sand otherwise than in accordance with the standards hereby established shall be guilty of an offence.

**Repeal and  
substitution  
Sec. 44.**

**2.** Section 44 of the said Chapter as amended by Section 4 of the Act No. 21 of 1936 is hereby repealed and the following substituted therefor:

44.—(1) The Governor in Commission may from time to time by Regulations published in the Newfoundland

Gazette prescribe the fees (if any) which shall be paid in respect of weights and measures inspected under the provisions of this Chapter.

- (2) (a) The owner, user or possessor of weights and measures shall produce at his premises when required so to do by an Inspector of Weights and Measures appointed under this Chapter all weights and measures used by him in the course of his business or otherwise, and the Inspector shall verify the accuracy of such weights and measures and mark the same in such manner as may be necessary to comply with the provisions of this Chapter, and failure so to produce such weights and measures shall constitute an offence.
- (b) The owner, user or possessor of weights and measures shall, at or before their inspection in accordance with the provisions of this Chapter, pay to such Inspector the fees prescribed from time to time by Regulations made under the provisions of subsection (1) of this section, together with such out-of-pocket expenses, if any, as have been or shall be necessarily incurred in connection with such inspection and marking; but such out-of-pocket expenses shall not include the travelling expenses of such Inspector except where such expenses are otherwise payable under this Chapter.
- (c) If the fees payable in accordance with the provisions of this Chapter shall not be paid, then the weights and measures in respect of which the fees are payable may be detained by the Inspector until such fees and any expenses necessarily incurred in connection with such detention shall have been paid, and the owner,

user or possessor of such weights and measures shall be guilty of an offence.

(d) All fees and expenses received by Inspectors of Weights and Measures under the provisions of this Chapter shall be transmitted to the Board of Customs, who shall transfer the same to the Consolidated Revenue Fund in such manner as the Commissioner for Finance may direct.

(3) (a) The importer or vendor of all timber, pitprops, plank, lumber and shingles surveyed, measured and marked under this Chapter shall pay to the person, being a surveyor appointed under Section 38 of this Chapter, who has surveyed, measured and marked any such timber, pitprops, plank, lumber and shingles such fees as are set out hereunder and until paid to such surveyor such fees shall be a lien upon such timber, pitprops, plank, lumber and shingles.

For every ton of timber—twenty-five cents.

For every cord of wood—five cents.

For every thousand superficial feet of plank, board or lumber—thirty-eight cents.

For every thousand shingles—five cents.

(b) Any importer or vendor who fails to pay such fees shall be guilty of an offence.

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AN ACT FURTHER TO AMEND THE HEALTH AND  
PUBLIC WELFARE ACT, 1931.

[30th December, 1942]

SECTION 1.—Amdt. Sec. 19.

Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows: A.D. 1942.

1. Section 19 of The Health and Public Welfare Act,  
1931, is hereby amended by adding thereto as paragraph Amdt. Sec. 18  
(ff) the following:

(ff) The importation of animals, including birds, and  
certification thereof with a view to the prevention of the  
introduction or spread of contagious or infectious  
diseases.

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**AN ACT TO AMEND BOWATER'S CONVERSION  
 LOAN GUARANTEE ACT, 1942**

[31st December, 1942]

**SECTION**

1.—Amendment Clause 12 of  
 Agreement forming Sch-  
 ule to Act No. 35 of 1942.

**SECTION**

2.—Construction and short  
 title.

A.D. 1942.

**Be it enacted by the Governor, by and with the advice of  
 the Commission of Government, as follows:**

**Amendment  
 Clause 12 of  
 Agreement  
 forming  
 Schedule to  
 Act No. 35 of  
 1942.**

**1.** Clause 12 of the Agreement forming the Schedule to Bowater's Conversion Loan Guarantee Act, 1942, is hereby amended by inserting after the word "notwithstanding" in the said clause the words following, that is to say:

"so long as any of the "B" Debentures shall remain outstanding or so long as the Government remains under any liability in respect of its guarantee of "B" Debentures or any money remains owing to the Government by the Company in respect of its said guarantee".

**Construction  
 and short title.**

**2.** This Act shall be read together with Bowater's Conversion Loan Guarantee Act, 1942, and the two Acts may be cited as Bowater's Conversion Loan Guarantee Acts, 1942.

AN ACT TO AMEND THE EXCESS PROFITS TAX  
ACT, 1941

[31st December, 1942]

## SECTION

- 1.—Amdt. Sec. 1 subsection (1).
- 2.—Repeal of Sec. 2 paragraph (b).
- 3.—New Sections 2A and 2B.

## SECTION

- 2A.—Method of calculating standard profits.
- 2B.—Amount which may be allowed as standard profits.
- 4.—Application of Act,

Be it enacted by the Governor, by and with the advice of A.D. 1942.  
the Commission of Government, as follows:

1. Subsection (1) of Section 1 of The Excess Profits Amdt. Sec. 1 Tax Act, 1941, is hereby amended by adding thereto as subsection (1). paragraph (g) the following:

(g) "share capital" means the capital of a company as represented by shares of capital stock, as distinguished from loan capital as represented by bonds or accumulations of undivided profits shown as surplus.

2. Paragraph (b) of Section 2 of the said Act is hereby Repeal of Sec. 2, para-  
repealed. graph (b).

3. There shall be inserted after Section 2 of the said New Sections Act as Section 2A and 2B the following: 2A and 2B.

2A. Where any increase or decrease in the share capital of a corporation has occurred since the commencement of its fiscal period beginning in the calendar year one thousand nine hundred and forty the Commissioner may in his discretion in the calculation of standard profits add to or deduct from the profits for each fiscal period an amount not exceeding seven and one-half per centum per annum of the amount of the Method of calculating standard

increase or decrease respectively in share capital: Provided, however, that in the case of an increase in share capital such adjustment may only be made if the increase was represented by shares of capital stock issued by the corporation for cash.

Amount which may be allowed the first day of January one thousand nine hundred and forty the Commissioner may in his discretion allow as standard profits an amount not exceeding seven and one-half per centum per annum of the amount of paid up share capital.

Application of Act. 4. The provisions of this Act shall be applicable to returns of corporations for the calendar year one thousand nine hundred and forty-two and for fiscal periods ending therein and for subsequent fiscal periods.





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